

Washington State Register

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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter;
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1981 - 1982

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	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
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¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³*No proceeding may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained.* RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-14-001
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-66—Filed June 24, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this regulation is needed as Buoy 8A, formerly mentioned in the definition, has been moved.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 23, 1982.
By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-22-02000A COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. Notwithstanding the provisions of WAC 220-22-020, Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 285 degrees true to the Island Sands Light approximately 2 miles south of Riddle Spit Light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (Fl 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape

Shoalwater Light on a line 171 degrees true, to Leadbetter Point.

WSR 82-14-002
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-67—Filed June 24, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is regulation to change angling hours needed for Cowlitz River fishery. Regulation change on Cowlitz River needed to maximize the opportunity to harvest surplus hatchery return of spring chinook salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 23, 1982.
By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-22500B SALMON ANGLING HOURS—FRESHWATER. Notwithstanding the provisions of WAC 220-56-225, unless otherwise provided it is unlawful to take, fish for or possess salmon for personal use in all freshwater areas of the state from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-57-17500K COWLITZ RIVER. Notwithstanding the provisions of WAC 220-57-175, that portion of the Cowlitz River downstream of a line drawn perpendicular to the river from the mouth of Mill Creek is open to night-time fishing from April 1 to July 31.

REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-56-22500A SALMON ANGLING
HOURS-FRESHWATER (82-26)
WAC 220-57-17500J COWLITZ RIVER (82-26)**

**WSR 82-14-003
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 82-68—Filed June 24, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is present regulation allows mutilation of salmon if no size restriction is in force. This regulation will allow salmon identification to be made by patrol officers in the field.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 23, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-14500B POSSESSION OF FOOD FISH OR SHELLFISH IN UNLAWFUL CONDITION. Notwithstanding the provisions of WAC 220-56-145, effective immediately until further notice:

(1) *It shall be unlawful to possess in the field for any purpose any salmon in such a condition that its size cannot be determined.*

(2) *It shall be unlawful to possess in the field for any purpose any shellfish and food fish other than salmon in such a condition that its size cannot be determined, if a size restriction is prescribed for said species.*

(3) *It shall be unlawful to possess in the field for any purpose any salmon, other food fish and shellfish in such a condition that its weight or sex cannot be determined, if a weight or sex restriction is prescribed for said species.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-14500A POSSESSION OF FOOD FISH OR SHELLFISH IN UNLAWFUL CONDITION. (82-22)

**WSR 82-14-004
RULES OF COURT
STATE SUPREME COURT**
[June 22, 1982]

**IN THE MATTER OF THE
ADOPTION OF AMENDMENTS
TO APR 8.**

NO. 25700-A-336
ORDER

The Board of Governors of the Washington State Bar Association having recommended the adoption of amendments to APR 8, and the proposed amendments having been published for comment in 97 Wn.2d Advance Sheet No. 6, and no comments having been submitted thereto, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the urgency provisions of GR 9.7(d), the amendments are to be published expeditiously in the Washington Reports and shall become effective on July 9, 1982.

DATED at Olympia, Washington, this 22nd day of June, 1982.

Robert F. Brachtenbach

Hugh J. Rosellini

William H. Williams

Charles F. Stafford

Fred H. Dore

Robert F. Utter

Carolyn R. Dimmick

James M. Dolliver

Vernon R. Pearson

RULE 8

ADMISSIONS FOR EDUCATIONAL PURPOSES

Notwithstanding any provision of any other rule to the contrary, an attorney who has been regularly admitted to practice in another state or the District of Columbia and who is enrolled and in good standing as a postgraduate student or faculty member in a program of an approved law school of this state involving clinical work in the courts or in the practice of law which has been approved by the Board of Governors for the purpose of this rule, may, upon application to the Washington State Bar Association and without payment of fee, and upon payment of an investigation fee to be established by the Board of Governors, be admitted to the limited practice of law in this state for the period such applicant actively participates in said program and complies with the Canons of Professional Ethics Code of Professional Responsibility. An applicant hereunder shall establish in the

manner specified by the Board of Governors that he the applicant:

- (1) Satisfy Satisfies the requirements of rule 2(b)(2);
- (2) Is of good moral character;
- (3) Is admitted to practice in another state or the District of Columbia, and is in good standing as an attorney of such Bar;
- (4) Is enrolled and in good standing in such an approved program.

Upon approval of such application by the Board, the applicant shall take the oath of attorney and the Board shall recommend to the Supreme Court the admission of such applicant for the purposes herein stated; such oath, together with any other documents the Board deems pertinent, shall be sent to the Supreme Court which shall enter an appropriate order upon the limited admission of such applicant.

Practice of an applicant so admitted shall be limited to the clinical work of the particular approved course of study in which he the applicant is enrolled; no charge shall be made for any services so rendered. When such applicant ceases to actively participate in such program the dean of the law school shall immediately notify the Washington State Bar Association and the clerk of the court so that the right of the applicant to practice may be terminated of record. An applicant admitted pursuant to this rule shall be considered an "active member" of the Washington State Bar Association for the purpose of serving as a supervising attorney for legal interns under rule 9, but shall be an active member for no other purpose.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 82-14-006

ATTORNEY GENERAL OPINION

Cite as: AGLO 1982 No. 16

[June 23, 1982]

JUVENILES—COURTS—DIVERSION OF JUVENILE OFFENDERS

The only diversion procedures for juvenile offenders which may be said either to be authorized by, or consistent with, the provisions of the Juvenile Justice Act of 1977 (as amended) are those procedures outlined in RCW 13.40.080 and, in turn, described by this office in AGO 1978 No. 30.

Requested by:

Honorable Phil Talmadge
St. Sen., 34th District
4006 53rd S.W.
Seattle, WA 98116

WSR 82-14-007

ADOPTED RULES

PERSONNEL APPEALS BOARD

[Order 82-1—Filed June 25, 1982]

Be it resolved by the Personnel Appeals Board, acting at 2828 Capitol Boulevard, Olympia, WA, that it does promulgate and adopt the annexed rules relating to WAC 358-20-040, 358-20-050 and 358-30-220.

This action is taken pursuant to Notice No. WSR 82-11-077 filed with the code reviser on May 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.64.060 which directs that the Personnel Appeals Board has authority to implement the provisions of chapter 41.64 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 24, 1982.

By K. W. Elfbrandt
Executive Secretary

WSR 82-14-005
PROCLAMATION
OFFICE OF THE GOVERNOR

PROCLAMATION BY THE GOVERNOR

The state of Washington is in a fiscal and budgetary crisis. Revenues continue to fall short of previously anticipated levels, and will not meet the needs of the state and its people. It is therefore necessary for me to convene the legislature in extraordinary session for the purpose of modifying laws relating to the revenues and expenditures of the state.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 and Article III, Section 7 of the State Constitution, do hereby convene the Washington State Legislature in extraordinary session in the Capitol at Olympia at 9:00 a.m. on June 26, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of June, A.D., nineteen hundred and eighty-two.

AMENDATORY SECTION (Amending Order 81-4, filed 12/16/81)

WAC 358-20-040 FILING APPEALS. (1) An appeal must be received in writing at the principal office of the Personnel Appeals Board within 30 days after: a. the effective date of the disciplinary or dismissal for abandonment action ((described in)) (WAC 358-20-010(;;)); b. (after) notification of disability separation (WAC 358-20-010) ((or)) c. (after) notification of ((a reallocation as described in WAC 358-20-030)) the allocation determination of the director of personnel or director's designee made pursuant to WAC 356-10-060(5) (WAC 358-20-030) or (30 days after) d. the employee could reasonably be expected to have knowledge of the action giving rise to ((the)) a law or rule violation claim under WAC 358-20-020 or the stated effective date of the action, whichever is later.

(2) The appeal shall include the name and address of the appellant, the name of the employing agency, and a telephone number at which the appellant can be reached. Appellants who are represented shall include the name, address and telephone number of their representative.

(3) An appeal of a violation of the State Civil Service Law or the Merit System Rules must cite the law(s) or rule(s) which the appellant claims has been violated, ((and)) the particular circumstances of the alleged violation, ((and)) how the employee is adversely affected by the alleged violation: and the remedy requested.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 81-4, filed 12/16/81)

WAC 358-20-050 DECLARATORY RULINGS. (1) As prescribed by RCW 34.04.080, any interested party may petition the Personnel Appeals Board for a declaratory ruling with respect to the applicability to any person, property or state of facts of ((Chapter 41.64 RCW or any rule of the Personnel Appeals Board)) any statute or rule enforceable by the Personnel Appeals Board. The petition must be filed in the principal office of the Personnel Appeals Board.

(2) Upon receipt of a petition for declaratory ruling, the Executive Secretary or his/her designee will acknowledge receipt of the petition and send a copy to the other parties.

(3) The Personnel Appeals Board shall consider the petition without argument and within a reasonable time will:

- (a) Notify the petitioner that no declaratory ruling will be issued;
- (b) Based on the information in the petition, issue a non-binding declaratory ruling; or

(c) Notify the parties of the time for submitting written argument or of a time and place for hearing oral argument. If a hearing is scheduled, the notice will inform the parties whether a decision, when rendered, will be binding between the agency and the petitioner.

(4) After considering argument, the Personnel Appeals Board will:

(a) If written argument was submitted, notify the parties within a reasonable time that no declaratory ruling will be issued or issue a non-binding ruling.

(b) If a hearing is held, notify the parties within a reasonable time that no declaratory ruling will be issued; issue a non-binding ruling; or if the notice so provided, issue a binding ruling.

(5) A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the Superior Court of Thurston County in the manner provided in the Administrative Procedure Act (chapter 34.04 RCW) for the review of decisions in contested cases.

NEW SECTION

WAC 358-30-220 APPEALS TO SUPERIOR COURT. (1) Within 30 calendar days after the mailing of a Personnel Appeals Board order in appeal cases provided for in RCW 41.06.170(2), the employee may appeal to the Thurston County Superior Court as provided in RCW 41.64.130.

(2) The grounds for the appeal shall be stated in a written notice of appeal filed with the court, with copies thereof served on a member of the Board or the Executive Secretary and on the employing agency, all within the time stated.

(3) By stipulation the parties may agree to shorten the record to be filed with the court. Either party unreasonably refusing to stipulate to such a limitation may be ordered by the court to pay the additional costs involved.

(4) Within 15 days after service of the notice of appeal, the Appellant will:

(a) If the proceedings before the Hearings Examiner or Board were recorded by a court reporter, order a transcript of proceedings from the court reporter and direct that the original be transmitted to the principal office of the Personnel Appeals Board for inclusion in the certified record; and

(b) If the proceedings were recorded mechanically, post a deposit with the Personnel Appeals Board in an amount sufficient to cover the reasonable costs of transcription as determined by the Personnel Appeals Board. Prior to transmitting the transcript to Court, final adjustment reflecting the actual cost of preparation of the transcript will be made.

(5) The Board shall transmit to the Court a certified record of the hearing with exhibits.

(6) If the employee prevails before the Court, he/she shall be reimbursed by the employing agency for the cost of a transcript.

WSR 82-14-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning patient overutilization, amending WAC 388-86-008.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 25, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-008.

The Purpose of the Rule or Rule Change: To implement sanctions against persons who overutilize medical services.

The Reason These Rules are Necessary: To implement Executive Order 82-13.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Overutilizers will be required to select a single physician and pharmacy. If this is not done within 30 days, medical coupons will not be issued.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks,

Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-86-008 PATIENT OVERUTILIZATION. (1) Whenever payment records and other information indicate that recipient utilization is excessive or inappropriate with reference to medical need, the department may require an individual to designate a primary physician and/or a single pharmacy for exclusive provider service in an effort to:

- (a) Protect the individual's health and safety;
- (b) Provide continuity of medical care;
- (c) Avoid duplication of service by providers;
- (d) Avoid inappropriate or unnecessary utilization of medical assistance as defined by community practices and standards;
- (e) Avoid excessive utilization of prescription medications.

Excessive utilization of prescription medications will be determined from published current medical and pharmacological references to include Physicians' Desk Reference published by Medical Economics Company, Oradell, New Jersey 07649; or Facts and Comparisons published by Facts and Comparisons, Inc., 12011 Marine Avenue, Suite 220, St. Louis, MO 63141; or The Pharmacological Basis of Therapeutics published by Macmillan Publishing Co., 866 Third Avenue, New York, NY 10022.

(2) The individual will be given written notice of his/her excessive or inappropriate utilization and will be requested to select a single physician and/or pharmacy within thirty days. The notice will include the individual's right to request a fair hearing within ninety days if he/she disagrees with ((the findings and)) the department's action. The notice will also advise the individual that failure to cooperate in this procedure will necessitate the department designating a physician and/or pharmacy for the individual or redirecting the individual's medical coupons to the CSO until selection of a physician and/or pharmacy is made. Medical coupons issued to the individuals will be imprinted with the message "RESTRICTED" to facilitate identification by providers. This restriction will be extended to all individuals listed on the "RESTRICTED" coupons.

(3) Medical services received by restricted individuals will be monitored and payment for services and prescriptions denied unless authorized by the selected designated physician. Providers may bill recipients for these denied services.

(4) In the event of a bona fide emergency, the individual may be seen by a physician other than the one selected. The primary physician may also refer the individual to a specialist when necessary.

WSR 82-14-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning AFDC and GA-U, eligibility—Standards of assistance, amending chapter 388-29 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 24, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-29 WAC.

The Purpose of the Rule or Rule Change: To increase public assistance grant standards.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Need standards (but not payment levels) and standards for additional requirements are increased.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1804, filed 5/6/82)

WAC 388-29-100 MONTHLY STANDARDS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective ((April)) July 1, 1982, the state-wide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and transportation for those owning (including life estate), buying or renting an apartment or house are:

(a) Recipients in Household	State Standard
1	\$ ((428)) 442
2	((541)) 560
3	((670)) 692
4	((788)) 814
5	((908)) 939
6	((1,090)) 1,064
7	((1,290)) 1,230
8	((1,347)) 1,362
9	((1,446)) 1,494
10 or more	((1,557)) 1,624

(b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household((—))	All Counties
1	\$ 172
2	249
3	330
4	411
5	492
6	572
7	653
8	734
9	815
10 or more	896

(2) Effective ((April)) July 1, 1982, the state-wide monthly payment levels reflecting ((67.4)) 65.2 percent of the need standards shall be:

(a) Recipients in Household	State Payment Levels
1	\$ 288
2	365
3	451
4	531
5	612
6	693
7	802
8	887
9	974
10 or more	1,058

(b) Household with supplied shelter.

The monthly payment levels for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household((—))	All Counties
1	\$ 172
2	249
3	330
4	411
5	492
6	572
7	653
8	734
9	815
10 or more	887

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE. (1) The payment standard for a recipient of AFDC residing in a maternity home shall be five hundred ((twelve)) forty-one dollars and ((seventy-five)) ten cents per month, which includes forty dollars and sixty-five cents for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ((eighty-eight)) ninety-three dollars and ((forty)) seventy-five cents.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be ((twenty-eight)) thirty dollars and ((forty)) fifteen cents.
 (2) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

- (a) The applicant or recipient is physically unable to do his or her laundry, and
- (b) He or she has no one able to perform this service for him or her.
- (2) The monthly cost standard for laundry shall be ((seven)) eight dollars and ((eighty)) thirty cents.
 (3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE.

(1) The standard for board and room shall be ((one)) two hundred ((ninety-five)) seven dollars and ((forty)) fifteen cents per month or six dollars and ((forty-five)) eighty-five cents per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be ((twenty-seven)) thirty-three dollars and fifty cents.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS. (1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

(a) Basic rate ((two)) three hundred ((ninety-seven)) twenty-one dollars and ((sixty-five)) nineteen cents.

(b) Service additions

Health services (each)		\$23.09
1-3		((32.10)) 34.64
4-7		((48.15)) 51.95
8-12		((69.55)) 75.04
((Special services each service		21.40))

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be thirty-three dollars and fifty cents.

(3) These standards are effective ((July 1, 1981)) January 1, 1982.

**WSR 82-14-010
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 25, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning consent order and agreed settlement, amending WAC 388-11-150.

It is the intention of the secretary to adopt these rules on an emergency basis on or before July 6, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 24, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-11-150.

The Purpose of the Rule or Rule Change: To simplify administration.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Presently, when support enforcement enters an agreement with an absent parent, the agreement, called a "consent order," must be approved by a hearings examiner. This change will provide for a document called an "agreed settlement" which need not be so approved.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Robert Querry, Chief, Office of Support Enforcement, Mailstop: FU-11, Phone: 659-6481.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-150 CONSENT ORDER AND AGREED SETTLEMENT. In the absence of a superior court order, informal disposition of any contested case or petition or order to show cause for modification wherein a debt is claimed pursuant to ((chapter 171, sections 17 and/or 22, Laws of 1979 ex. sess. [RCW 74.20.320] [RCW 74.20.330],)) RCW 74.20.320, 74.20.330, 74.20.040, 74.20A.030, 26-16.205 and/or 74.20A.250 is encouraged where feasible and not specifically precluded by law. Said cases may be disposed of by ((stipulation, agreed settlement, or)) consent order or agreed settlement, "agreed settlement" being defined as a written agreement signed by each party, which is effective without approval of any hearings examiner. If a consent order is involved, the hearings examiner shall approve ((any)) that consent order disposing of a contested case unless specifically contrary to law. Informal disposition on consent order shall

be deemed to be a request for hearing granting jurisdiction to the hearings examiner to approve said consent order without the necessity of testimony or hearing, upon presentation by the office of support enforcement. If ((said negotiation)) negotiations as to a consent order ((is)) or agreed settlement are commenced within twenty days of service on the responsible parent of the notice and finding of financial responsibility, and such negotiations fail((, a hearing shall be scheduled and held within thirty days of the breakdown of negotiations)) and the responsible parent serves an objection on OSE within twenty days of the negotiations failing, the objection shall be considered timely served. The obligation to pay support or repay the debt, unpaid when due, stated in the consent order or agreed settlement is subject to collection action. Consent orders or agreed settlements are not subject to review pursuant to WAC 388-11-105 but are subject to modification pursuant to WAC 388-11-140 and may be vacated for fraud pursuant to WAC 388-11-115.

**WSR 82-14-011
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1833—Filed June 25, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to consent order and agreed settlement, amending WAC 388-11-150.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Chief Administrative Law Judge of the newly created Office of Administrative Hearings is in the process of promulgating a set of uniform procedural rules for contested cases. The Chief Administrative Law Judge is planning to publish the final rules on or before July 6, 1982. Therefore, in order to coordinate this amendment process with the rule adoption process, it is necessary that this proposed amendment be adopted on or before the date the uniform rules are published.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 25, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-150 CONSENT ORDER AND AGREED SETTLEMENT. In the absence of a superior court order, informal disposition of any contested case or petition or order to show cause for modification wherein a debt is claimed pursuant to ((chapter 171, sections 17 and/or 22, Laws of 1979 ex. sess. [RCW 74.20.320] [RCW 74.20.330])) RCW 74.20.320, 74.20.330, 74.20.40, 74.20A.030, 26.16.205 and/or 74.20A.250 is encouraged where feasible and not specifically precluded by law. Said cases may be disposed of by ((stipulation, agreed settlement, or)) consent order or agreed settlement, "agreed settlement" being defined as a written agreement signed by each party, which is effective without approval of any hearings examiner. If a consent order is involved, the hearings examiner shall approve ((any)) that consent order disposing of a contested case unless specifically contrary to law. Informal disposition on consent order shall be deemed to be a request for hearing granting jurisdiction to the hearings examiner to approve said consent order without the necessity of testimony or hearing, upon presentation by the office of support enforcement. If ((said negotiation)) negotiations as to a consent order ((is)) or agreed settlement are commenced within twenty days of service on the responsible parent of the notice and finding of financial responsibility, and such negotiations fail((, a hearing shall be scheduled and held within thirty days of the breakdown of negotiations)) and the responsible parent serves an objection on OSE within twenty days of the negotiations failing, the objection shall be considered timely served. The obligation to pay support or repay the debt, unpaid when due, stated in the consent order or agreed settlement is subject to collection action. Consent orders or agreed settlements are not subject to review pursuant to WAC 388-11-105 but are subject to modification pursuant to WAC 388-11-140 and may be vacated for fraud pursuant to WAC 388-11-115.

**WSR 82-14-012
ADOPTED RULES
HORSE RACING COMMISSION**

[Order 82-05—Filed June 25, 1982]

Be it resolved by the Washington Horse Racing Commission, acting at Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA, that it does promulgate and adopt the annexed rules relating to the amending of WAC 260-28-050 relating to fees for colors; 260-36-020 relating to license fees for jockeys, apprentices, owners, and trainers; 260-36-030 relating to license fees for veterinarians, plasters and dentists; 260-36-040 relating to license fees for personnel other than owners, trainers and jockeys; and 260-36-090 relating to fees for duplicate license cards.

This action is taken pursuant to Notice No. WSR 82-11-078 filed with the code reviser on May 18, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington Horse Racing Commission as authorized in RCW 61.16.020 and 67.16.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 25, 1982.

By Will Bachofner
Chairman

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-28-050 COLORS—REGISTRATION AND FEES. (1) Racing colors must be registered, and authority for their use sanctioned. Such registration shall be made annually, upon issuance of an owner's license.

(2) ((The annual fee is \$1.00.))

((3))) Colors registered with any racing commission or with the Jockey Club of New York shall be respected in Washington and only the registrant shall be permitted to use them.

((4))) (3) No person shall start a horse in racing colors other than those registered in his own or assumed name, but a temporary change from the recorded racing colors may be approved by the stewards.

((5))) (4) Any disputes between claimants to the right of particular racing colors shall be decided by the stewards.

((6))) (5) Any temporary change from the recorded colors of the owner must be approved by the stewards and posted by the clerk of the scales on the notice board.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-020 LICENSES REQUIRED OF JOCKEYS, APPRENTICES, OWNERS, TRAINERS. All jockeys and apprentice jockeys must first secure occupational license before accepting a mount; no trial ride will be permitted without such occupational license, except as provided in WAC 260-32-020(1). Each owner and trainer must secure occupational license before entering a horse and the racing secretary shall be required to secure such occupational license number of owner and trainer making such entry. The annual license fee for jockeys, apprentices, owners, and trainers shall be \$14.00.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-030 VETERINARIANS, PLATERS, AND DENTISTS—LICENSE REQUIRED—INELIGIBLE AS TRAINERS. Veterinarians, platers and dentist shall pay an annual occupational license fee of \$14.00, and be approved by the commission before

practicing their professions on the grounds of an association. They shall not be eligible to hold a license to train horses while holding said occupational license.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-040 REGISTRATION OF PERSONNEL OTHER THAN OWNERS, TRAINERS AND JOCKEYS—FEE. Any person acting in an official capacity or any person employed on a race track other than an owner, trainer or jockey, shall register with the Washington horse racing commission and procure an occupational permit, by paying annually a fee of ((\$1.00)) \$5.00.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-36-090 DUPLICATE LICENSE CARDS. In the event of the loss of a license card, the commission may in its discretion issue a duplicate, the fee for which shall be ((\$1.00)) \$5.00.

**WSR 82-14-013
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 82-69—Filed June 25, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is needed to protect spring-summer chinook.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 25, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-073G0A QUEETS RIVER — CLOSED AREA Effective 12:01 A.M. Wednesday June

30, 1982, until further notice it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Queets River including its tributaries.

WSR 82-14-014
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1766—Filed June 28, 1982]

I, Michael Schwisow, deputy director of agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to interpretation for enforcement of chapter 15.36 RCW relating to processing, packaging and sale of aseptically packaged milk, adding new sections to chapter 16-101 WAC.

This action is taken pursuant to Notice No. WSR 82-12-042 filed with the code reviser on May 28, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.36 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 25, 1982.

By Michael Schwisow
Deputy Director

NEW SECTION

WAC 16-101-715 ASEPTICALLY PROCESSED MILK AND MILK PRODUCTS. Section 1, Paragraph N, Part 1, Grade "A" Pasteurized Milk Ordinance, Page 20, 2nd Paragraph, Item N, shall be changed to read:

This definition is not intended to include ((such products as sterilized milk and)) milk products ((hermetically sealed in a container and so processed either before or after sealing as to prevent microbial spoilage)) such as evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), dietary products (except as defined herein), infant formula, ((butter,)) ice cream and other frozen desserts, dry milk products (except as defined herein), canned eggnog in a rigid metal container, butter or cheese except when they are combined with other substances to produce any pasteurized or aseptically processed milk or milk products defined herein.

Aseptically Processed Milk and Milk Products are products hermetically sealed in a container and so thermally processed in conformance with 21 CFR 113 and 108 (adopted in 1975) and the provision of this ordinance so as to render the product free from microorganisms capable of reproducing in the product under normal nonrefrigeration conditions of storage and

distribution. This product shall be free of viable microorganisms (including spores) of public health significance.

NEW SECTION

WAC 16-101-720 ASEPTIC PROCESSING. Paragraph S2, Page 21 shall read:

Aseptic Processing – the term aseptic processing when used to describe a milk product means that the product has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR 113 and the provisions of Section 7, Item 16 p of this ordinance and maintain commercial sterility of the product under normal nonrefrigerated conditions.

NEW SECTION

WAC 16-101-725 LABELING. Section 4, Labeling, Part 1, Grade A Pasteurized Milk Ordinance, Page 23, shall be changed to read:

5. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products.

6. In the case of aseptically processed and packaged milk and milk products, words that are acceptable to F.D.A.

7. The word "ultrapasteurized" if the milk or milk product has been ultrapasteurized.

NEW SECTION

WAC 16-101-730 ASEPTICALLY PROCESSED MILK—SUSPENSION OF GRADE A PERMIT. A new paragraph is added to Section 6, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance to read:

Whenever a container or containers of aseptically processed milk or milk products is found to be unsterile due to underprocessing, the regulatory agency shall consider this to be an imminent hazard to public health and shall suspend the permit of the milk plant for sale of aseptically processed milk and milk products. No aseptically processed milk or milk product shall be sold until it can be shown that the processes, equipment and procedures used are suitable for consistent production of a sterile product. All products from the lot that are found to contain one or more unsterile units shall be recalled and disposed of as directed by the regulatory agency.

NEW SECTION

WAC 16-101-735 PROCESSING. Section 7, Paragraphs one and two, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance are changed to read:

All Grade "A" raw milk for pasteurization, ultrapasteurization or aseptic processing and all Grade "A" pasteurized, ultrapasteurized or aseptically processed milk and milk products shall be produced, processed and pasteurized, ultrapasteurized or aseptically processed to conform with the following chemical, bacteriological and temperature standards and the sanitation requirements of this section.

No process or manipulation other than pasteurization, ultrapasteurization or aseptic processing, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.

To Section 7, Table 1, add lines 10, 11 and 12, Page 26.

Grade A Aseptically Processed Milk Products

<u>temperature</u>	<u>none</u>
<u>bacterial limit</u>	<u>no growth by test specified in Section 6</u>

Antibiotics – No zone equal to or greater than sixteen mm with Bacillus Stearothermophilus disc assay method.

NEW SECTION

WAC 16-101-740 SANITATION REQUIREMENTS. Sanitation requirements for Grade "A" pasteurized, ultrapasteurized and aseptically processed milk and milk products.

Item 16 p, Pasteurization shall be changed to read:

Pasteurization shall be performed as defined in Section 1, Definition S of this ordinance. Aseptic processing shall be performed in accordance with 21 CFR 113 and 108 (adopted in 1975).

Item 17 p, Cooling of Milk

PROVIDED, That aseptically processed milk and milk products to be packaged in hermetically sealed containers shall be exempt from the cooling requirements of this item.

WSR 82-14-014A

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed June 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning ratings and endorsements, amending WAC 390-16-206;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, July 27, 1982, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m., Tuesday, July 27, 1982, Second Floor Conference

Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

This notice is connected to and continues the matter Notice No. WSR 82-11-024 filed with the code reviser's office on May 10, 1982.

Dated: June 25, 1982
By: David R. Clark
Assistant Administrator

WSR 82-14-015

NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum—June 24, 1982]

There will be a special meeting of the Interagency Committee for Outdoor Recreation on July 22, 1982, 9:00 a.m., in the offices of the committee, 4800 Capitol Boulevard, Tumwater, Washington 98504, for the purposes of reviewing and approving both the 1983-85 Capital Budget for participating state agencies and the IAC 1983-85 Operating Budget.

WSR 82-14-016

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 82-04—Filed June 28, 1982]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to:

New	WAC 390-20-013	Lobbyist registration—Photograph—Requirements.
New	WAC 390-20-107	Lobbyist's employer—Reporting of "total expenditures".
Amd	WAC 390-16-055	Filing reports for out-of-state committees.
Amd	WAC 390-16-115	Abbreviated campaign reporting—Conditions for granting use.
Amd	WAC 390-16-150	Mini campaign reporting.
Amd	WAC 390-16-155	Mini campaign reporting—Exceeding limitations.
Amd	WAC 390-16-207	In-kind contributions and expenditures—Reporting.
Amd	WAC 390-16-230	Surplus campaign funds—Use in future.
Amd	WAC 390-20-140	Loss of RCW 42.17.160 exemptions.
Rep	WAC 390-16-035	Form C-3—Time for filing.
Rep	WAC 390-16-062	Campaign financing—Special reports—Time for filing.
Rep	WAC 390-16-300	Fund raising events—Time and place of filing form C-3A.
Rep	WAC 390-37-300	Late filings—Civil penalties.
Rep	WAC 390-37-305	Late filings—Administrator review.
Rep	WAC 390-37-312	Late filings—Criteria for waiver; procedures for disposition.
Rep	WAC 390-37-320	Late filings—Waiver petition—Judicial review and enforcement.

This action is taken pursuant to Notice No. WSR 82-11-024 filed with the code reviser on May 10, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 22, 1982.

By David R. Clark
Assistant Administrator

NEW SECTION

WAC 390-20-013 LOBBYIST REGISTRATION—PHOTOGRAPH—REQUIREMENTS. Pursuant to RCW 42.17.155, as amended by section 11, chapter 147, laws of 1982, the photograph to be submitted by a registering lobbyist shall satisfy the requirements of a photo acceptable for a United States passport. The photograph shall have been taken within twelve months of the date of registration.

NEW SECTION

WAC 390-20-107 LOBBYIST'S EMPLOYER—REPORTING OF "TOTAL EXPENDITURES." (1) Consistent with the public policy expressed in RCW 42.17.010(1) and (10), the obligation in RCW 42.17.180(3) for the employer of a lobbyist to report "total expenditures" for lobbying purposes requires reporting of all payments made to finance a lobbying effort, whether or not reportable by the lobbyist pursuant to RCW 42.17.170.

(2) "Total expenditures" requires inclusion of a pro rata share of general overhead expenditures for lobbying which are attributable to the lobbyist as an employee or whose contract is for activities and services in addition to lobbying. The term also requires reporting of separate, identifiable expenditures such as rental of additional office space, hiring of additional staff and secretarial assistance, specific advertising campaigns, expenditures for lobbyists who are exempt from registration per RCW 42.17.160, specific telephone installations and charges, and other such separate, identifiable expenditures made for the purpose of conducting a lobbying effort.

AMENDATORY SECTION (Amending Order 79-04, filed 8/17/79)

WAC 390-16-055 FILING REPORTS FOR OUT-OF-STATE COMMITTEES. (1) Each candidate or political committee receiving funds from a nonreporting committee as defined in RCW 42.17.090(1)(k), shall determine whether such committee has complied with that subsection. If the out-of-state committee has not filed the required report and the information cannot be reported by the recipient of the contribution in a timely manner, the funds shall not be forfeited or reportable as

having been received if they are returned to the out-of-state committee immediately. Any retention or other action taken with such funds, if there is not a complete and timely report on file, shall result in the forfeiture of such funds to the state of Washington and shall be deemed a violation of chapter 42.17 RCW.

(2) Any subsequent report by a nonreporting committee or recipient of its contribution which is required by RCW 42.17.090(1)(k) during the same calendar year may update its initial report by letter showing, in addition to its name and address, only reportable information which is new or changed since its last report.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-16-115 ABBREVIATED CAMPAIGN REPORTING—CONDITIONS FOR GRANTING USE. The exemptions allowed in WAC 390-16-105, 390-16-110 and 390-16-115 shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, ((at)) within fourteen days of the time of organization, or ((at the time)) of receipt of contributions or the making of expenditures, or ((at the time)) of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file the C-1 registration statement with the commission and the county elections office. The statement shall declare that the candidate or political committee will not exceed the expenditure limitations set out in WAC 390-16-105, 390-16-110 or 390-16-115.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current records in sufficient detail ((too)) to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040 ((=)) through 42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the expenditure limitation, pursuant to subsequent permission of the commission.

(3) The candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the C-1 at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(4) The records of contributions and expenditures shall be open to audit or examination by representatives of the Public Disclosure Commission at any time upon request from the commission.

AMENDATORY SECTION (Amending Order 91, filed 7/22/77)

WAC 390-16-150 MINI CAMPAIGN REPORTING. No candidate as that term is defined in RCW 42.17.020(5) and no political committee whose principal

purpose is the support of one candidate and whose organization is known to and countenanced by that candidate (hereafter candidate's committee) shall be required to comply with the provisions of RCW 42.17.060 – 42.17.090 except as otherwise prescribed in this regulation in any election campaign for public office in which the aggregate expenditures in the campaign will not exceed the amount of the filing fee provided by law plus a sum not to exceed ~~((\\$200)) two hundred dollars.~~

(1) Any candidate or candidate's committee shall register and file the C-1 registration statement with the commission and county ~~((auditory)) elections officer~~ of the county wherein the candidate resides ~~((at or before))~~ within fourteen days of the time he publicly announces his candidacy, files for office or the committee is formed, whichever is earliest. The C-1 shall state his intent to use the mini campaign reporting system.

(2) The C-1 registration shall include a statement by the candidate that no contribution or contributions from any source other than the candidate's personal resources within the aggregate contributions received exceeds ~~((\\$100)) one hundred dollars.~~

AMENDATORY SECTION (Amending Order 91, filed 7/22/77)

WAC 390-16-155 MINI CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. (1) Whenever there is reason to believe that the expenditure limits provided in WAC 390-16-150 will be exceeded or that the candidate or candidate's committee will exceed the limitations on contributions and expenditures provided in WAC 390-16-150, the candidate, candidate's committee or other person legally interested in the campaign may apply to the commission for authorization to exceed such limits.

(a) The application shall take the form of a new C-1 report indicating the candidate's or candidate committee's intent to report in accordance with either the abbreviated reporting system provided in WAC 390-16-105 or to fully report as provided in RCW 42.17.040 ~~((=)) through 42.17.090.~~

(b) The application shall be accompanied by a statement signed by the candidate affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of notification.

(c) The application shall be submitted to the commission and duplicate copies of C-1 and C-4 report submitted to the county ~~((auditor)) elections officer~~ of the county where the candidate resides within one day of the time that expenditure limits are exceeded.

(2) The application shall be approved without further commission action.

AMENDATORY SECTION (Amending Order 79, filed 6/25/76)

WAC 390-16-207 IN-KIND CONTRIBUTIONS AND EXPENDITURES—REPORTING. (1) Whenever a candidate or a political committee makes one or

more in-kind expenditures which (i) directly or indirectly, in whole or in part, benefit another identifiable candidate or political committee and (ii) in the aggregate amount to a value of ~~((twenty-five)) fifty~~ dollars or more in the reporting period, then, for the purpose of complying with the provisions of RCW 42.17.090(1)(f);

(a) Such candidate or political committee shall identify the candidate or political committee benefited by such expenditure and state the value thereof; and

(b) The candidate or political committee that receives benefit of such expenditure or expenditures shall report a corresponding amount as a contribution received and as an expenditure made by such candidate or political committee.

(2) Whenever a candidate or a political committee makes an in-kind expenditure which supports or opposes more than one candidate or ballot proposition, the person making such expenditure shall identify each candidate or ballot proposition to which such support or opposition is directed and, if the aggregate expenditure amounts to ~~((twenty-five)) fifty~~ dollars ~~((\\$25.00))~~ or more, shall state the prorated amount of the expenditure or expenditures properly attributable to each such candidate or ballot proposition.

(3) Whenever a candidate or political committee provides its equipment, property or other facilities owned, retained, leased or controlled by it to another candidate or political committee, the fair market value of the use of such equipment, property or other facilities, if it amounts to ~~((twenty-five)) fifty~~ dollars or more, shall be reported as follows:

(a) By the candidate or political committee providing the equipment, property or other facilities, by attaching to its form C-4, schedule B, a statement setting forth the name of the candidate or political committee benefited and the date, description and value of the in-kind contribution made by it~~((=))~~;

(b) By the candidate or political committee benefiting from the use of such equipment, property or other facilities, by reporting the value of such use in its form C-4, schedule B, both as a contribution and as an expenditure.

AMENDATORY SECTION (Amending Order 70, filed 2/25/76)

WAC 390-16-230 SURPLUS CAMPAIGN FUNDS—USE IN FUTURE. If at any time in the future any contribution or expenditure is received by or made from such surplus fund or funds for any purpose which would qualify the holder as a candidate or political committee, it will be presumed the holder of such funds has initiated a new candidacy or committee. Within ~~((ten))~~ fourteen days of the day such contribution or expenditure is received or made, such candidate or political committee shall file ~~((a))~~ (1) a final report for the previous campaign as provided in RCW 42.17-080 and 42.17.090 and ~~((b))~~ (2) a statement of organization and initial report for the new campaign as provided by RCW 42.17.040, 42.17.080 and 42.17.090. The surplus fund may be reported as one sum and listed as a contribution identified as "funds from previous campaign", provided that all augmentations to and all

expenditures made from the retained surplus fund from the initial date of retention are reported in detail as to source, recipient, purpose, amount and date of each transaction.

AMENDATORY SECTION (Amending Order 99, filed 6/26/78)

WAC 390-20-140 LOSS OF RCW 42.17.160 EXEMPTIONS. (1) For the purpose of determining compliance with RCW 42.17.220, a lobbyist's employer shall be responsible for the applicability of all of the exemptions provided in RCW 42.17.160 to any lobbyist the employer employs, pays, or agrees to pay.

(2) The commission recognizes that a lobbyist who initially intends in good faith to utilize the "casual lobbying" exemption from registration and reporting which is provided in RCW 42.17.160(4) may thereafter become ineligible for that exemption, thus violating RCW 42.17.150 and/or 42.17.170 by not having registered and/or reported within the prescribed time periods.

(3) The commission shall not commence enforcement proceedings against a lobbyist or his employer in circumstances described in subsection (2) of this section if the lobbyist:

(a) Registers pursuant to RCW 42.17.150 before doing any lobbying in excess of the exemption limitations in RCW 42.17.160(4); and

(b) Files a report on form L-2 when next due under RCW 42.17.170, which report includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

(4) The duty under RCW 42.17.230(1) of a person required to register as a lobbyist to obtain and preserve all records necessary to substantiate required financial reports shall include such records of all activities which cumulatively cause the RCW 42.17.160(4) exemption limitations to be reached and exceeded.

(5) A lobbyist whose only compensation or other consideration for lobbying is payment of or reimbursement for expenditures not required to be reported per section 13, chapter 147, Laws of 1982, does not qualify for exemption from registration and reporting per RCW 42.17.160(3).

REPEALER

The following sections of the Washington Administrative Code are each repealed:

WAC 390-16-035 Form C-3—Time for filing

WAC 390-16-062 Campaign financing—Special reports—Time for filing

WAC 390-16-300 Fund raising events—Time and place of filing form C-3A

WAC 390-37-300 Late filings—Civil penalties

WAC 390-37-305 Late filings—Administrator review

WAC 390-37-312 Late filings—Criteria for waiver; procedures for disposition

WAC 390-37-320 Late filings—Waiver petition—Judicial review and enforcement

WSR 82-14-017

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 82-18—Filed June 28, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Mason County, amending WAC 173-19-310.

This action is taken pursuant to Notice No. WSR 82-10-075 filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 23, 1982.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 80-12, filed 4/16/80)

WAC 173-19-310 MASON COUNTY. Mason County master program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980. Revision approved June 23, 1982.

WSR 82-14-018

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 82-19—Filed June 28, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Snohomish County, amending WAC 173-19-390.

This action is taken pursuant to Notice No. WSR 82-19-075[82-10-075] filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 23, 1982.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-390 SNOHOMISH COUNTY.
 Snohomish County master program approved December 27, 1974. Revision approved June 16, 1978. Revision approved June 23, 1982.

Proponent of the Rule: Washington State Transportation Commission.

Opponent of the Rule: Unknown.

NEW SECTION

WAC 468-300-410 HOOD CANAL BRIDGE TOLL SCHEDULE.

HOOD CANAL BRIDGE TOLL SCHEDULE

Type of Traffic	Toll
Automobile (All vehicles licensed up to 8,000 lbs.)	\$ 2.50
* Commutation Tickets – 20 one-way crossings	40.00
Motorcycle	1.00
Bicycle	.50
** Auto Trailer	2.00
*** Trucks (over 8,000 lbs. licensed gross weight)	2.00/axle
Bus, School	2.50
Bus, All Others	2.00/axle

*Commutation tickets shall be valid only for 90 days from date of purchase after which time the tickets shall not be acceptable for passage or for refunds. Refunds on unused tickets shall be according to schedule printed on book covers. Tickets are nontransferable and may be used only by the purchaser for the vehicle in which the book is carried.

**Any trailer towed by a vehicle classified as an automobile.

***Includes all trucks licensed over 8,000 lbs. gross vehicle weight, except buses. Trucks up to 8,000 lbs. will be classified as automobiles.

TRUCK DISCOUNT PERCENTAGES FROM REGULAR TOLL

50 or more, one-way crossings per month..... 25%
 Available to charge customers only.

Truck and truck-trailer combinations will be classified as a single unit.

Truck discounts apply to all such vehicles operated in the name of a single owner or operator.

WSR 82-14-019
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—June 25, 1982]

The Board of Trustees of Western Washington University will hold a special meeting on Thursday, July 1, 1982, at 10:00 a.m. in Old Main 340, on the campus of the university.

WSR 82-14-020
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 (Transportation Commission)
 [Filed June 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning Hood Canal Toll Bridge;

that such agency will at 10:00 a.m., Wednesday, August 18, 1982, in the Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, August 18, 1982, in the Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 18, 1982, and/or orally at 10:00 a.m., Wednesday, August 18, 1982, Highway Administration Building, Olympia, Washington 98504.

Dated: June 28, 1982
 By: Lue Clarkson
 Administrator

STATEMENT OF PURPOSE

Title: New WAC 468-300-410.

Summary of Rule: Toll schedule for Hood Canal Bridge.

Statement of Reasons: To establish tolls on Hood Canal Bridge.

For Further Information: Mr. Don Sorte, Acting Assistant Secretary for Marine Transportation, Room 3D18, Highway Administration Building, Phone 753-6037, Olympia, Washington, is responsible for the drafting, implementation and enforcement of the rule.

WSR 82-14-021
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 (Transportation Commission)
 [Filed June 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning fare schedule for recreational trailers;

that such agency will at 10:00 a.m., Wednesday, August 18, 1982, in the Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, August 18, 1982, in the Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 18, 1982, and/or orally at 10:00

a.m., Wednesday, August 18, 1982, Highway Administration Building, Olympia, Washington 98504.

Dated: June 28, 1982
By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: Amendment to WAC 468-300-030 and 468-300-040.

Summary of Rule: To revise the fare schedule required for travel on the state ferry system.

Statement of Reasons: To revise the fare schedule for recreational trailer combinations.

For Further Information: Mr. Don Sorte, Acting Assistant Secretary for Marine Transportation, Room 3D18, Highway Administration Building, Phone 753-6037, Olympia, Washington, is responsible for the drafting, implementation and enforcement of the rule.

Proponent of the Rule: Washington State Transportation Commission.

Opponent of the Rule: Unknown.

AMENDATORY SECTION (Amending Order 28, Resolution No. 143, filed 3/22/82)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES
FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth						
Seattle-Bremerton						
Seattle-Winslow						
Edmonds-Kingston						
Pt. Townsend-Keystone						
Fauntleroy-Vashon						
Southworth-Vashon						
Pt. Defiance-Tablequah						
Mukilteo-Clinton						
Lofall-Southpoint						
Anacortes to Lopez, Shaw, Orcas or	10 Rides					
	((8.15))	((130.40))	((16.15))	((258.40))	10.60	.75
	<u>7.20</u>	<u>115.20</u>	<u>9.75</u>	<u>156.00</u>		
Friday Harbor						
Sidney						
	28.70	N/A	((50.00))	N/A	42.10	1.10
	<u>28.70</u>		<u>33.65</u>			
Between Lopez, Shaw or						
Orcas						
	6.15	49.20	((13.05))	((184.40))	10.60	.75
	<u>6.15</u>	<u>49.20</u>	<u>7.90</u>	<u>63.20</u>		
Sidney to Lopez, Shaw, Orcas or						
	4.35	34.80	((9.70))	((77.60))	6.80	.50
	<u>4.35</u>	<u>34.80</u>	<u>5.85</u>	<u>46.80</u>		
Friday Harbor						
	22.15	N/A	((39.70))	N/A	29.35	1.90
	<u>22.15</u>		<u>26.75</u>			

(1) BULK NEWSPAPERS per 100 lbs. \$2.00

(Shipments exceeding 60,000 lbs. in any month shall be assessed .95¢ per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$((+9.20)) 19.00

(Shipments exceeding 100 lbs. assessed \$7.50 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.55 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.00

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

((San Juan Inter-Island express shipments will be handled @ \$2.55 per 100 lbs.))

*These routes operate on one-way only toll collection system.

****Includes Motor Homes, and Mobile Campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.**

***Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

****Half fare.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.
Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 28, Resolution No. 143, filed 3/22/82)

WAC 468-300-040 TRUCKS AND ((ALL VEHICLES)) TRUCKS WITH TRAILER FERRY TOLLS.

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38' ****	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winnow Pt. Townsend-Keystone Edmonds-Kingston		4.80	8.15	16.15	24.15	32.15	40.15	48.15	48.15 .65
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah		6.50	11.40	22.60	33.80	45.00	56.20	67.40	67.40 .90
Mukilteo-Clinton Lofall-Southpoint		3.25	5.70	11.30	16.90	22.50	28.10	33.70	33.70 .45
**Anacortes to Lopez Shaw, Orcas— or Friday Harbor Sidney ——————	5.25 5.95 6.80 22.60	9.75	19.35	28.95	38.55	48.15	57.75	57.75	.80 1.80
**Friday Harbor to Lopez, Shaw or Orcas ——————	4.25	6.65	13.05	19.45	25.85	32.25	38.65	38.65	.55
**Between Lopez, Shaw or Orcas ——————	2.90	4.90	9.70	14.50	19.30	24.10	28.90	28.90	.40
**Sidney to Lopez Shaw or Orcas Friday Harbor	17.90 17.30 16.55	23.50	39.70	55.90	72.10	88.30	104.50	104.50	1.45

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all ((vehicles)) trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers ((except motorcycles)), unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

****UNITED STATES GOVERNMENT SPECIAL RATE – Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the 28' to under 38', class III rate.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings within any consecutive six day period 25%

Emergency trips during nonservice hours – while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

NEW SECTION**WAC 468-300-070 VEHICLE WITH TRAILER FERRY TOLLS.**

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow					
Seattle-Bremerton					
Edmonds-Kingston					
Pt. Townsend-Keystone					
Fauntleroy-Southworth	4.80	7.20	9.75	13.75	17.75
*Fauntleroy-Vashon					
*Southworth-Vashon	6.50	9.90	13.70	19.30	24.90
*Pt. Defiance-Tahlequah					
Mukilteo-Clinton					
Lofall-South Point	3.25	4.95	6.85	9.65	12.45
Anacortes to Lopez					
Shaw, Orcas or Friday Harbor	5.25 5.95 6.80	8.85	11.70	16.50	21.30
Sidney	22.60	28.70	33.65	43.85	54.05
Friday Harbor to Lopez					
Shaw, or Orcas	4.25	6.15	7.90	11.10	14.30
Between Lopez, Shaw and Orcas	2.90	4.35	5.85	8.25	10.65
Sidney to Lopez					
Shaw or Orcas	17.90 17.30 16.55	22.15	26.75	34.85	42.95
Friday Harbor					

*These routes operate on one-way only toll collection system.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

*****INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:**

Automobiles

Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)

Oversize vehicles

Does not include motorcycles with trailers.

Senior Citizen Discounts for the driver of the above vehicles shall apply.

Senior Citizen Discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

**WSR 82-14-022
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
[Filed June 28, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation and exemption of securities, adding new exemption WAC 460-42A-081, exchange exemption and amending WAC 460-42A-080, changes may be made at the public hearing;

that such agency will at 10:00 a.m., Monday, August 16, 1982, in Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, August 23, 1982, in the Securities Division, Department of Licensing, Olympia, Washington 98504, unless the matter is continued for further comment.

The authority under which these rules are proposed is RCW 21.20.310(8), see also RCW 21.20.450. WAC

460-44A-081 exchange exemption, this rule is promulgated pursuant to RCW 21.20.310(8) and is intended to administratively implement that statute and RCW 21-20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August, and/or orally at 10:00 a.m., Monday, August 16, 1982, Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: June 24, 1982
By: John Gonsalez, Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

Act: Securities Act of Washington, chapter 21.20 RCW.

General Purpose of the Rules: The attached rules further implement the provisions of RCW 21.20.310(8), an exemption from registration under the Securities Act of Washington.

Statutory Authority: WAC 460-42A-080 is amended pursuant to RCW 21.20.310(8) and is intended to administratively implement that statute and pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of the act; and WAC 460-42A-081 is promulgated pursuant to RCW 21.20.310(8) and is intended to administratively implement that statute and pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of the act.

Reason Rules Proposed: WAC 460-42A-080 is proposed to allow certain successors of blue chip companies to meet the blue chip exemption; and WAC 460-42A-081 is proposed in order to add an exemption for issuers meeting high exchange standards.

Description and Summary of the Rules: Amending WAC 460-42A-080 Blue Chip Exemption to allow issuers of securities who have undergone a merger, consolidation, reorganization or change of state of incorporation to qualify for the blue chip exemption from registration; and adopting WAC 460-42A-081 Exchange Exemption to create an additional exemption from registration for securities listed or approved for listing on an "approved national securities exchange", the listing requirements for which are set forth in the rule.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Joan Baird, Assistant Director, Professional Licensing, 3rd Floor, Highways-Licenses, 234-1369 Scan, 753-1369; and Ralph R. Smith, Administrator, Securities Division, 6th Floor, Highways-Licenses Building, 234-6928 Scan, 753-6928.

Proponents and Opponents: These rules are proposed by the Department of Licensing, Securities Division.

Agency Comments: The agency believes the rules to be self explanatory.

Chapter 460-42A

EXEMPT SECURITIES

AMENDATORY SECTION

WAC 460-42A-080 BLUE CHIP EXEMPTION. (1) Any security that meets all of the following conditions is exempted under RCW 21.20.310(8):

(a) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of such agent in its prospectus;

(b) A class of the issuer's securities is required to be and is registered under section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date;

(c) Neither the issuer nor a significant subsidiary has had a material default during the lesser of the last seven years or the issuer's existence in the payment of (i) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or (ii) rentals under leases with terms of three years or more. A "material default" is a failure to pay, the effect of which is to cause indebtedness to become due prior to its stated maturity or to cause termination or reentry under a lease prior to its stated expiration, if the indebtedness or the rental obligation for the unexpired term exceeds five percent of

the issuer's (and its consolidated subsidiaries) total assets, or if the arrearage in required dividend payments on preferred stock is not cured within thirty days;

(d) The issuer has had annual consolidated net income (before extraordinary items and the cumulative effect of accounting changes) as follows: (i) At least one million dollars in four of its last five fiscal years including its last fiscal year, and (ii) if the offering is of interest bearing securities, at least one and one-half times its annual interest expense, calculating net income before deduction for income taxes and depreciation and giving effect to the proposed offering and the intended use of the proceeds, for its last fiscal year. "Last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than fifteen months from the commencement of the offering.

(e) If the offering is of stock or shares (other than preferred stock or shares), and except as otherwise required by law, the securities have voting rights at least equal to the securities of each of the issuer's outstanding classes of stock or shares (other than preferred stock or shares), with respect to (i) the number of votes per share, and (ii) the right to vote on the same general corporate decisions;

(f) If the offering is of stock or shares (other than preferred stock or shares), the securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least twelve hundred persons, and on that date there are at least seven hundred fifty thousand of the shares outstanding with an aggregate market value, based on the average bid price, of at least three million seven hundred fifty thousand dollars. In determining the number of persons who are beneficial owners of the stock or shares, the issuer or a broker-dealer may rely in good faith upon written information furnished by record owners;

(g) Provided that, if the securities to be issued are listed, or approved for listing upon notice of issuance, on the New York Stock Exchange, Inc. or the American Stock Exchange, Inc., and the current original listing standards of that exchange are satisfied as of the end of the issuer's most recent fiscal year, the conditions of (c) of this subsection need be met for only five years and the annual net earnings requirement of (d)(i) of this subsection shall be two hundred fifty thousand dollars;

(h) And provided further that, if the issuer of the securities is a finance company with liquid assets of at least one hundred five percent of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock and surplus) at the end of each of its last five fiscal years, the net income requirement of (d)(ii) of this subsection, but before deduction for interest expense, shall be one and one-fourth times its annual interest expense. "Finance company" means a company engaged primarily in the business of wholesale, retail, installment, mortgage, commercial, industrial or consumer financing, banking or factoring. "Liquid assets" means cash receivables payable on demand or not more than twelve years following the close of the company's last fiscal year, and readily marketable securities, in each case less applicable reserves and unearned income.

(2) ((For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director, any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).)) An issuer meets the conditions of WAC 460-42A-080(1)(b), (c) and (d) if either the issuer or the issuer and the issuer's predecessor, taken together, meet these conditions and if: (i) the succession was primarily for the purpose of changing the state of incorporation of the predecessor or forming a holding company and the assets and liabilities of the successor at the time of succession were substantially the same as those of the predecessor, or (ii) all predecessors met the conditions at the time of succession and the issuer has continued to do so since the succession.

NEW SECTION

WAC 460-42A-081 EXCHANGE EXEMPTION. Any security that meets all of the following conditions is exempt under RCW 21.20.310(8):

(1) Any security listed or approved for listing upon notice of issuance on an "approved national securities exchange" and any warrant or right to purchase or subscribe to any such security.

(2) An "approved national securities exchange" is one that requires all of the following to be met:

(1) That the issuer of securities traded on the exchange be required to maintain a minimum of two outside directors on its board of directors.

(b) The exchange must have established reasonable procedures for trading oversight and surveillance over all exchange listed securities to ensure timely disclosure of material corporate developments to the interested public.

(c) The exchange must, in acting on applications for listing of common stock, have established procedures to ensure careful review of the issuer's financial integrity and risk and substantially apply each of the minimum qualifications set forth in (a) below, and in considering suspension or removal from listing, substantially apply each of the criteria set forth in (b) below.

(i) Listing qualifications:

(A) Net tangible assets of at least four million dollars (\$4,000,000) and net income of at least four hundred thousand dollars (\$400,000) after all charges including federal income taxes in the fiscal year immediately preceding the filing of a listing application; or, in the alternative, net tangible assets of at least ten million dollars (\$10,000,000) provided the issuer has had a minimum of three years of operations and the aggregate market value of the issuer's publicly held shares is ten million dollars (\$10,000,000).

(B) Minimum public distribution of 400,000 shares excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings.

(C) Minimum price of stock or shares of three dollars (\$3) per share for a reasonable period of time prior to the filing of a listing application, and/or an aggregate market value of publicly held shares of at least three million dollars (\$3,000,000).

(ii) Criteria for consideration of suspension or removal from listing:

(A) If a company which (A) has net tangible assets of less than two million dollars (\$2,000,000) has sustained net losses in each of its two most recent fiscal years, or (B) has net tangible assets of less than four million dollars (\$4,000,000) and has sustained net losses in three of its million dollars (\$4,000,000) and has sustained net losses in three of its four most recent fiscal years.

(B) If the number of shares publicly held (excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings) is less than 200,000.

(C) If the aggregate market value of shares publicly held in the aggregate remains less than one million dollars (\$1,000,000) for a significant period of time.

(3) For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on the New York stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 3, chapter 206, Laws of 1982 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 25, 1982.

By Robert V. Graham
State Auditor

CHAPTER 48-20 WAC LOCAL AUDIT COSTS APPEAL

NEW SECTION

WAC 48-20-010 DEFINITIONS. (1) "Local government" includes any municipal corporation, taxing district, or other governmental unit subject to audit by the Division of Municipal Corporations, acting through its legally constituted legislative body or its designee.

(2) "Local government association" means any generally recognized association or organization whose membership consists exclusively or principally of local government units or their officers.

(3) "Officers of a local government association" includes any person serving as an elected officer of a local government association or any person employed by a local government association as its executive director or any person with duties equivalent to those of an executive director.

NEW SECTION

WAC 48-20-020 NOTIFICATION TO CHIEF EXAMINER. A local government which disagrees with a bill for services issued to it by the Division of Municipal Corporations shall notify the chief examiner of the Division of Municipal Corporations in writing within fourteen days after receipt of the bill. The writing shall include the local government's reasons for challenging the bill and any other information the local government deems pertinent.

NEW SECTION

WAC 48-20-030 RESPONSE OF CHIEF EXAMINER. The chief examiner shall review any bill challenged by a local government, together with the reasons for the challenge. Within seven days of receipt of notification from the local government, the chief examiner shall respond in writing to the local government, either reaffirming the bill or modifying it, and stating the reasons for his action.

NEW SECTION

WAC 48-20-040 APPEAL TO INTERNAL APPEALS BOARD. Within seven days after receiving the chief examiner's written response, the local government

WSR 82-14-023 ADOPTED RULES STATE AUDITOR

[Order—Filed June 28, 1982]

I, Robert V. Graham, director of the Office of State Auditor, do promulgate and adopt at Olympia, Washington, the annexed rules relating to section 3, chapter 206, Laws of 1982 (SHB 855). Rules to provide a procedure whereby a taxing district may appeal charges levied under RCW 43.09.280. Such procedure shall provide for an administrative review process and an external review process which shall be advisory to the State Auditor's Office.

This action is taken pursuant to Notice No. WSR 82-11-096 filed with the code reviser on May 19, 1982.

may appeal the matter to the internal appeals board by writing directed to the chief examiner. The internal appeals board shall consist of the assistant state auditor and two deputy state auditors designated by the state auditor, neither of whom shall have direct responsibility for the conduct of audits. The internal appeals board shall review the matter and may reaffirm or modify the disputed bill. Within seven days of the appeal, the internal appeals board shall issue written findings and mail them to the local government.

NEW SECTION

WAC 48-20-050 APPEAL TO EXTERNAL APPEALS BOARD. Within seven days of receipt of the written findings of the internal appeals board, a local government not satisfied with the findings may appeal to an external appeals board by addressing a written notice to the chief examiner. The written notice shall specify the grounds for appeal and shall designate the person selected by the local government to serve on the external appeals board.

NEW SECTION

WAC 48-20-060 EXTERNAL APPEALS BOARD—MEMBERSHIP. The external appeals board shall consist of three officers of local government associations, one selected by the local government at the time of its appeal, one selected by the chief examiner after receipt of the notice of appeal, and the third to be selected by the other two members.

NEW SECTION

WAC 48-20-070 EXTERNAL APPEALS BOARD REVIEW. The external appeals board shall review the challenged bill, together with any other pertinent material furnished by the local government and the state auditor's office. Within ten days after its selection, the external appeals board shall submit written findings and recommendations to the state auditor and to the local government.

NEW SECTION

WAC 48-20-080 REVIEW AND FINAL DECISION BY STATE AUDITOR. Within ten days after receipt of the findings and recommendation of the external appeals board, the state auditor shall issue a final written decision accepting, rejecting, or modifying the recommendation of the appeals board. The final decision shall be delivered to the local government, which shall promptly pay the bill as rendered in the final decision.

NEW SECTION

WAC 48-20-090 FAILURE TO FOLLOW PROCEDURE—WAIVER. Any local government which fails to follow the appeal procedures outlined in this chapter will be deemed to have waived its appeal, and shall promptly pay any bill submitted by the state auditor.

NEW SECTION

WAC 48-20-100 APPEAL BOARD ADMINISTRATIVE COSTS. The office of the state auditor will provide facilities, clerical staff, and necessary expenses for appeals boards selected pursuant to this chapter.

**WSR 82-14-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 82-70—Filed June 28, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules and personal use fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Chehalis River is closed to protect chinook salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 28, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-072BOD CHEHALIS RIVER—CLOSED AREA. Effective immediately until 11:59 P.M. July 31, 1982, (1) It is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess foodfish from the waters of the Chehalis River above the markers approximately 1/2 mile upstream from the Porter Bridge.

(2) It is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess foodfish for commercial purposes from the waters of the Chehalis River downstream of the markers approximately 1/2 mile upstream from the Porter Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-072B0C CHEHALIS RIVER—CLOSED AREA (82-58)

WSR 82-14-025
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum—June 24, 1982]

There will be a special meeting of the board of trustees on Tuesday, June 29, 1982, at 7:00 p.m., Conference Room (C6), Campus Center Building, Skagit Valley College, 2405 College Way, Mount Vernon, WA 98273, for the purpose of reviewing and discussing the 1982-83 proposed budget. During the course of the meeting, the board of trustees may hold an executive session if necessary. No formal board action is contemplated.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind individuals can be provided when adequate notice is given to the president's office at the college.

WSR 82-14-026
NOTICE OF PUBLIC MEETINGS
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
[Memorandum—June 28, 1982]

Notice is hereby given that the State Board for Community College Education desires to amend its schedule of regular meeting dates for September, 1982 as previously noted in our memorandum dated December 16, 1981.

The September board meeting dates have been rescheduled to September 7 and 8, 1982.

WSR 82-14-027
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt rules concerning prevailing wages on public works contracts. These new rules will define terms, set fees for statements of intent to pay prevailing wages, affidavits of wages paid and arbitration. They will also set rules for the conduct of arbitration hearings;

that such agency will at 9:00 a.m. to 1:00 p.m., Monday, August 16, 1982, in the Third Floor Conference Room, Port of Seattle, Pier 66, 2201 Alaskan Way, Seattle, WA. Also at 9:00 a.m. to 1:00 p.m., Tuesday, August 17, 1982, in the Kittitas County Court House, Room 215, Ellensburg, Washington, and at 9:00 a.m. to 1:00 p.m., Wednesday, August 18, 1982, in the Spokane Community College Student Lounge, North 1810 Green, Spokane, WA, conduct hearings relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Friday, August 27, 1982, in the Office of Director of Labor and Industries.

The authority under which these rules are proposed is RCW 39.12.015 which requires the Industrial Statistician to make determination of prevailing rate and RCW 39.12.060 which requires the Director of Department of Labor and Industries to arbitrate prevailing wage disputes and House Bill 795, chapter 38, Laws of 1982 1st ex. sess. which requires setting of fees.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 18, 1982, and/or orally at 9:00 a.m. to 1:00 p.m., Monday, August 16, 1982, Third Floor Conference Room, Port of Seattle, Pier 66, 2201 Alaskan Way, Seattle. Interested parties may also submit data, views, or arguments to this agency orally at: 9:00 a.m. to 1:00 p.m., Tuesday, August 17, 1982, in the Kittitas County Court House, Room 215, Ellensburg, Washington, and at 9:00 a.m. to 1:00 p.m., Wednesday, August 18, 1982, in the Spokane Community College Student Lounge, North 1810 Green, Spokane, WA.

Dated: June 24, 1982

By: Sam Kinville
Director

STATEMENT OF PURPOSE

Prevailing Wage: Chapter 296-127 WAC, WAC 296-127-010 Definitions; 296-127-011 Time for determining prevailing wage; 296-127-017 Notice of wage determinations; 296-127-020 Interpretation of locality; 296-127-021 Apprentice worker; 296-127-030 Irrigation district exemption; 296-127-040 Statement of intent to pay prevailing wages; 296-127-045 Affidavit of wages paid; 296-127-060 Director of department of labor and industries to arbitrate disputes—General provisions; 296-127-061 Requests for arbitration; and 296-127-062 Conduct of arbitration hearing.

Purpose: To establish fees for processing statements of intent to pay prevailing wage, affidavits of wages paid, and arbitration conducted on prevailing wage disputes. Also, the rules convert department policy into WAC rules so that the information is available in printed form to all people. Furthermore, it outlines the conduct of arbitration hearings.

Statutory Authority for the Rules: RCW 39.12.015 and 39.12.060 and House Bill 795, chapter 38, Laws of 1982 1st ex. sess.

Summary of the Rules: WAC 296-127-010 defines department and director as these terms will be used in chapter 296-127 WAC; 296-127-011 sets the bid due date as the effective date for determining prevailing wages provided the contract is awarded within 30 day after bids are due; 296-127-017 provides the address where prevailing wage data may be obtained; 296-127-020 interprets definition of locality as the largest city in the county wherein the physical work is being performed; 296-127-021 allows apprentices to be registered within 30 days of hiring and still be paid the applicable apprentice wage for all hours worked; 296-127-030 clarifies the irrigation district exemption to chapter 39-12 RCW; 296-127-040 sets the fee for processing statements of intent to pay prevailing wage; 296-127-045 sets the fee for the processing of affidavits of wages paid; 296-127-060 sets general provisions under which

the director of the department of labor and industries will arbitrate disputes concerning prevailing rates of wages; 296-127-061 establishes for a filing fee for arbitration and establishes the procedure to filing a request for arbitration; and 296-127-062 sets a fee for interested parties to join an arbitration hearing and sets out the procedure under which the arbitration hearing will be conducted.

Drafting, Implementation and Enforcement: G. David Hutchins, Assistant Director, Employment Standards Division, Department of Labor and Industries, General Administration Building, Olympia, Washington 98504, telephone: (206) 753-6311.

Names of the Proponents and Opponents of the Rule, if any: These will be provided at the time of formal adoption of permanent rules.

House Bill 795, chapter 38, Laws of 1982 1st ex. sess. requires the department to set fees for processing statements of intent to pay prevailing wages and affidavits of wages paid, and for conducting arbitration hearings. Furthermore, the legislation requires that the department recover through these fees the cost of operating the prevailing wage program. This requirement is effective with the beginning of fiscal year 1983.

Chapter 296-127

PREVAILING WAGE

WAC

296-127-010	Definitions.
296-127-011	Time for determining prevailing wage.
296-127-017	Notice of wage determinations.
296-127-020	Interpretation of locality.
296-127-021	Apprentice worker.
296-127-030	Irrigation district exemption.
296-127-040	Statement of intent to pay prevailing wages.
296-127-045	Affidavit of wages paid.
296-127-060	Director of department of labor and industries to arbitrate disputes—General provisions.
296-127-061	Requests for arbitration.
296-127-062	Conduct of arbitration hearing.

NEW SECTION

WAC 296-127-010 DEFINITIONS. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department of labor and industries or his duly authorized deputy or representative.

NEW SECTION

WAC 296-127-011 TIME FOR DETERMINING PREVAILING WAGE. The Department will use the date bids are due as the effective date for determining prevailing wages provided the contract is awarded within 30 days after bids are due. If the contract is not awarded within 30 days after bids are due, the department will determine the prevailing wage on the date the contract is awarded.

NEW SECTION

WAC 296-127-017 NOTICE OF WAGE DETERMINATIONS. Current prevailing wage data will be furnished by the industrial statistician upon request. Please mail the request to:

Industrial Statistician
Department of Labor and Industries
Employment Standards Division
General Administration Building
Olympia, Washington 98504
(Telephone: (206) 753-4019).

NEW SECTION

WAC 296-127-020 INTERPRETATION OF LOCALITY. RCW 39.12.010(2) defines locality as the largest city in the county wherein the physical work is being performed. The department interprets the phrase "wherein the physical work is being performed" as the actual work site. For example, if prefabricated materials are made in a county other than the county where the public work is to be completed, the wage for the prefabrication shall be the prevailing wage for the county where the physical work is actually being performed—provided that the prefabricated "item or member" is produced specially for the particular public works project and not merely as a standard item for sale on the general market.

NEW SECTION

WAC 296-127-021 APPRENTICE WORKER. Any apprentice worker employed on public works projects for whom an apprentice agreement is registered and approved by the state apprenticeship council pursuant to chapter 49.04 RCW within 30 days of hiring may be considered an apprentice and paid the applicable prevailing hourly rate for an apprentice of that trade for all hours worked.

NEW SECTION

WAC 296-127-030 IRRIGATION DISTRICT EXEMPTION. Work performed by irrigation districts for the reclamation or development of waste or undeveloped land is not covered by the prevailing wage law; however, any work, construction, alteration, repair or improvement that is not solely for the reclamation or development of waste or undeveloped land is covered by the prevailing wage laws and therefore subject to all the laws and regulations contained in and adopted pursuant to chapter 39.12 RCW.

NEW SECTION

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages submitted to the industrial statistician of the department of labor and industries shall be accompanied by a fee of \$12.50 for each statement. Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department of labor and industries certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of \$10.00 for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

NEW SECTION

WAC 296-127-045 AFFIDAVIT OF WAGES PAID. (1) All affidavits of wages paid submitted to the industrial statistician of the department of labor and industries shall be accompanied by a fee of \$12.50 for each affidavit of wages paid. All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the Department of Labor and Industries certifies affidavits of wages paid for its own contracts shall provide to the Industrial Statistician each month the number of affidavit of wages paid it has certified and quarterly shall send a fee of \$10.00 for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

NEW SECTION

WAC 296-127-060 DIRECTOR OF DEPARTMENT OF LABOR AND INDUSTRIES TO ARBITRATE DISPUTES—GENERAL PROVISIONS. (1) The contract executed between a public authority and the successful bidder or contractor and all of his subcontractors shall contain a provision that in case any dispute arises as to what are the prevailing rates of wages for work and such dispute cannot be adjusted by the parties in interest, including labor and management representatives, the matter shall be referred for arbitration to the director of the department of labor and industries, and his decision

shall be final and conclusive and binding on all parties involved in the dispute.

(2) In exercising his authority to hear and decide disputes the director shall consider among other things, timeliness, the nature of the relief sought, matters of undue hardship or injustice, or public interest.

(a) In regards to the actual hearing and investigation "director" means the director of the department of labor and industries or his duly authorized deputy or representative.

(b) A "timely" request for arbitration is one received within 30 days after the contract has been awarded.

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic, who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any interested person or party to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Approximate service shall be made of any response.

NEW SECTION

WAC 296-127-061 REQUESTS FOR ARBITRATION. (1) The petition for arbitration (original and four copies) shall be filed with the Director, Department of Labor and Industries, General Administration Building, Olympia, Washington 98504. In addition, copies of the petition shall be served personally or by mail upon each of the following:

(a) The public agency or agencies involved,

(b) The industrial statistician, and

(c) Any other person (or the authorized representatives of such person) known or reasonably expected to be interested in the subject matter of the petition.

(2)(a) Requests for arbitration of wage determinations must be timely made. Timely made means within 30 days after the contract is let.

(b) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.

(3) A petition for arbitration of a wage determination shall:

(a) Be in writing and signed by the petitioner or his counsel (or other authorized representative);

(b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned;

(c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request;

(d) contain a short and plain statement of the grounds for review; and

(e) be accompanied by supporting data, views, or arguments.

(f) be accompanied by a filing fee of \$75.00. Fees shall be made payable to the Department of Labor and Industries.

NEW SECTION

WAC 296-127-062 CONDUCT OF ARBITRATION HEARING. (1) Interested persons other than the petitioner shall have a reasonable opportunity as specified by the director in particular cases to submit to the director written data, views, or arguments relating to the petition. Such material (original and four copies) should be filed with

the Director, Department of Labor and Industries, General Administration Building, Olympia, Washington 98504 and be accompanied by a filing fee of \$35.00. Fees shall be made payable to the department of labor and industries. Copies of any such material should be served on the petitioner and other interested persons.

(2) Each party in interest shall have the right to appear in person or by or with counsel or other qualified representatives in any proceeding before the director. If all parties agree, oral testimony may be waived and arguments submitted in writing.

(3) Upon his own initiative or upon motion of any interested person or party, the director may consolidate in any proceeding or concurrently consider two or more appeals which involve substantially the same persons or parties, or issues which are the same or closely related, if he finds that such consolidation or concurrent review will contribute to an efficient review and to the ends of justice, and it will not unduly delay consideration of any such appeals.

(4) The director shall prescribe the time and place for hearing. The Department will schedule the hearing within 45 days of the request. For good cause shown, the Department may allow a continuance at the request of a party in interest.

(a) With respect to any proceeding before him, the director may upon his own initiative or upon the request of any interested person or party direct the interested persons or parties to appear before the director or his designee at a specified time and place in order to simplify the issues presented or to take up any other matters which may tend to expedite or otherwise facilitate the disposition of the proceeding.

(b) All papers submitted to the director under this section shall be filed with the Department of Labor and Industries, General Administration Building, Olympia, Washington 98504. An original and four copies of all papers shall be submitted. Service under this part shall be by the filing party or interested person; service may be personal or may be by mail. Service by mail is complete on mailing.

(5) The final disposition will be by the director of the department of labor and industries.

(a) The director may decline review of any case whenever in his judgment a review would be inappropriate or because of the lack of timeliness, the nature of the relief sought, or other reasons.

(b) The director shall decide the case upon the basis of all relevant matter contained in the entire record before him but the director may utilize his experience, technical competence, and specialized knowledge in evaluating the evidence.

(c) Upon reasonable notice to the parties or interested persons, the director may vary the procedures specified in this part in particular cases.

(6) The director may allow all parties a period of ten days for filing post-hearing briefs prior to closing the record and concluding the hearing.

(7) The director shall issue a written decision within 30 days of the conclusion of the hearing. A copy shall be sent to each party in interest.

WSR 82-14-028 EMERGENCY RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Order 82-25—Filed June 29, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prevailing wage on public works contracts. These new rules will define terms, set fees for statements of intent to pay prevailing wages, affidavits of wages paid and arbitration. They will also set rules for the conduct of arbitration hearings.

I, Sam Kinville, Director, Department of Labor and Industries, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to

present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the legislature recently enacted House Bill 795, chapter 38, Laws of 1982 1st ex. sess. which was signed into law by the governor, this legislation requires that the Department of Labor and Industries establish fees for processing statements of intent to pay prevailing wages, affidavits of wages paid and arbitrate disputes about prevailing rates. Furthermore, these fees must be used to carry out the activities of the prevailing wage section of the Department of Labor and Industries. Also, the department currently has requests for arbitration under RCW 39.12.060 and no procedures for the conduct of the arbitration.

Such rules are therefore adopted as emergency rules to take effect July 1, 1982.

This rule is promulgated pursuant to RCW 39.12.015 and 39.12.060 and House Bill 795, chapter 38, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 24, 1982.

By Sam Kinville
Director

Chapter 296-127

PREVAILING WAGE

WAC

296-127-010	<i>Definitions.</i>
296-127-011	<i>Time for determining prevailing wage.</i>
296-127-017	<i>Notice of wage determinations.</i>
296-127-020	<i>Interpretation of locality.</i>
296-127-021	<i>Apprentice worker.</i>
296-127-030	<i>Irrigation district exemption.</i>
296-127-040	<i>Statement of intent to pay prevailing wages.</i>
296-127-045	<i>Affidavit of wages paid.</i>
296-127-060	<i>Director of department of labor and industries to arbitrate disputes—General provisions.</i>
296-127-061	<i>Requests for arbitration.</i>
296-127-062	<i>Conduct of arbitration hearing.</i>

NEW SECTION

WAC 296-127-010 DEFINITIONS. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department of labor and industries or his duly authorized deputy or representative.

NEW SECTION

WAC 296-127-011 TIME FOR DETERMINING PREVAILING WAGE. The Department will use the date bids are due as the effective date for determining prevailing wages provided the contract is awarded within

30 days after bids are due. If the contract is not awarded within 30 days after bids are due, the department will determine the prevailing wage on the date the contract is awarded.

NEW SECTION

WAC 296-127-017 NOTICE OF WAGE TERMINATIONS. Current prevailing wage data will be furnished by the industrial statistician upon request. Please mail the request to:

Industrial Statistician
Department of Labor and Industries
Employment Standards Division
General Administration Building
Olympia, Washington 98504
(Telephone: (206) 753-4019).

NEW SECTION

WAC 296-127-020 INTERPRETATION OF LOCALITY. RCW 39.12.010(2) defines locality as the largest city in the county wherein the physical work is being performed. The department interprets the phrase "wherein the physical work is being performed" as the actual work site. For example, if prefabricated materials are made in a county other than the county where the public work is to be completed, the wage for the prefabrication shall be the prevailing wage for the county where the physical work is actually being performed—provided that the prefabricated "item or member" is produced specially for the particular public works project and not merely as a standard item for sale on the general market.

NEW SECTION

WAC 296-127-021 APPRENTICE WORKER. Any apprentice worker employed on public works projects for whom an apprentice agreement is registered and approved by the state apprenticeship council pursuant to chapter 49.04 RCW within 30 days of hiring may be considered an apprentice and paid the applicable prevailing hourly rate for an apprentice of that trade for all hours worked.

NEW SECTION

WAC 296-127-030 IRRIGATION DISTRICT EXEMPTION. Work performed by irrigation districts for the reclamation or development of waste or undeveloped land is not covered by the prevailing wage law; however, any work, construction, alteration, repair or improvement that is not solely for the reclamation or development of waste or undeveloped land is covered by the prevailing wage laws and therefore subject to all the laws and regulations contained in and adopted pursuant to chapter 39.12 RCW.

NEW SECTION

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages submitted to the industrial statistician of the department of labor and industries shall be accompanied by a fee of \$12.50 for each

statement. Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department of labor and industries certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of \$10.00 for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

NEW SECTION

WAC 296-127-045 AFFIDAVIT OF WAGES PAID. (1) All affidavits of wages paid submitted to the industrial statistician of the department of labor and industries shall be accompanied by a fee of \$12.50 for each affidavit of wages paid. All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the Department of Labor and Industries certifies affidavits of wages paid for its own contracts shall provide to the Industrial Statistician each month the number of affidavit of wages paid it has certified and quarterly shall send a fee of \$10.00 for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

NEW SECTION

WAC 296-127-060 DIRECTOR OF DEPARTMENT OF LABOR AND INDUSTRIES TO ARBITRATE DISPUTES—GENERAL PROVISIONS. (1) The contract executed between a public authority and the successful bidder or contractor and all of his subcontractors shall contain a provision that in case any dispute arises as to what are the prevailing rates of wages for work and such dispute cannot be adjusted by the parties in interest, including labor and management representatives, the matter shall be referred for arbitration to the director of the department of labor and industries, and his decision shall be final and conclusive and binding on all parties involved in the dispute.

(2) In exercising his authority to hear and decide disputes the director shall consider among other things, timeliness, the nature of the relief sought, matters of undue hardship or injustice, or public interest.

(a) In regards to the actual hearing and investigation "director" means the director of the department of labor and industries or his duly authorized deputy or representative.

(b) A "timely" request for arbitration is one received within 30 days after the contract has been awarded.

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW 39.12.015, and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic, who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter 39.12 RCW.

(b) For good cause shown, the director may permit any interested person or party to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Approximate service shall be made of any response.

NEW SECTION

WAC 296-127-061 REQUESTS FOR ARBITRATION. (1) The petition for arbitration (original and four copies) shall be filed with the Director, Department of Labor and Industries, General Administration Building, Olympia, Washington 98504. In addition, copies of the petition shall be served personally or by mail upon each of the following:

(a) The public agency or agencies involved,

(b) The industrial statistician, and

(c) Any other person (or the authorized representatives of such person) known or reasonably expected to be interested in the subject matter of the petition.

(2)(a) Requests for arbitration of wage determinations must be timely made. Timely made means within 30 days after the contract is let.

(b) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.

(3) A petition for arbitration of a wage determination shall:

(a) Be in writing and signed by the petitioner or his counsel (or other authorized representative);

(b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned;

(c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request;

(d) contain a short and plain statement of the grounds for review; and

(e) be accompanied by supporting data, views, or arguments.

(f) be accompanied by a filing fee of \$75.00. Fees shall be made payable to the Department of Labor and Industries.

NEW SECTION

WAC 296-127-062 CONDUCT OF ARBITRATION HEARING. (1) Interested persons other than the petitioner shall have a reasonable opportunity as specified by the director in particular cases to submit to the director written data, views, or arguments relating to the petition. Such material (original and four copies) should be filed with the Director, Department of Labor and Industries, General Administration Building, Olympia, Washington 98504 and be accompanied by a filing fee of \$35.00. Fees shall be made payable to the department of labor and industries. Copies of any such material should be served on the petitioner and other interested persons.

(2) Each party in interest shall have the right to appear in person or by or with counsel or other qualified representatives in any proceeding before the director. If all parties agree, oral testimony may be waived and arguments submitted in writing.

(3) Upon his own initiative or upon motion of any interested person or party, the director may consolidate in any proceeding or concurrently consider two or more appeals which involve substantially the same persons or parties, or issues which are the same or closely related, if he finds that such consolidation or concurrent review will contribute to an efficient review and to the ends of justice, and it will not unduly delay consideration of any such appeals.

(4) The director shall prescribe the time and place for hearing. The Department will schedule the hearing within 45 days of the request. For good cause shown, the Department may allow a continuance at the request of a party in interest.

(a) With respect to any proceeding before him, the director may upon his own initiative or upon the request of any interested person or party direct the interested persons or parties to appear before the director or his designee at a specified time and place in order to simplify the issues presented or to take up any other matters which may tend to expedite or otherwise facilitate the disposition of the proceeding.

(b) All papers submitted to the director under this section shall be filed with the Department of Labor and Industries, General Administration Building, Olympia, Washington 98504. An original and four copies of all papers shall be submitted. Service under this part shall be by the filing party or interested person; service may be personal or may be by mail. Service by mail is complete on mailing.

(5) The final disposition will be by the director of the department of labor and industries.

(a) The director may decline review of any case whenever in his judgment a review would be inappropriate or because of the lack of timeliness, the nature of the relief sought, or other reasons.

(b) The director shall decide the case upon the basis of all relevant matter contained in the entire record before him but the director may utilize his experience, technical competence, and specialized knowledge in evaluating the evidence.

(c) Upon reasonable notice to the parties or interested persons, the director may vary the procedures specified in this part in particular cases.

(6) The director may allow all parties a period of ten days for filing post-hearing briefs prior to closing the record and concluding the hearing.

(7) The director shall issue a written decision within 30 days of the conclusion of the hearing. A copy shall be sent to each party in interest.

WSR 82-14-029
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 82-17—Filed June 29, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington, the annexed rules relating to increasing the fees for electrical wiring labels and inspections of electrical installations. The fees are listed in WAC 296-46-910.

I, Sam Kinville, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the electrical inspection section of the department is required by law to charge fees that cover the costs of administering and enforcing the law. The section currently is expending approximately \$90,000.00 per month more than it receives as income. If the fees are not raised immediately, the electrical inspection section will go broke and will have to end its operations at the beginning of May, 1982.

The department is also proposing to adopt the fee increases as a permanent rule. The public hearing on this rule will be held on Friday, August 20, 1982, at 9:00 a.m. to 12:00 noon in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington. The hearing has been continued from May 14, 1982, the original hearing date, to allow the department time to gather data on the effect of these emergency fees on the electrical fund.

At a special meeting of the Electrical Advisory Board held on March 16, 1982, the department reviewed the need for the fee increases with the board. Pursuant to RCW 19.28.210, the board approved the department's adoption of these increased fees by emergency rule. The board, at its regular meeting on April 30, 1982, recommended that the department readopt these emergency rules.

To reduce its expenditures, the department will lessen its workforce by at least 25 people, and will consolidate many of its offices.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 19.28.210 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 29, 1982.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81)

WAC 296-46-910 ((APPENDIX F)) INSPECTION FEES SCHEDULE.

((INSPECTION FEES SCHEDULE

Appendix F

BUILDING AND CONSTRUCTION SAFETY INSPECTION SERVICES DIVISION

ELECTRICAL INSPECTION SECTION
DEPARTMENT OF LABOR AND INDUSTRIES

FEES.) For fee calculation purposes, amperage will be based on conductor ampacity. Voltage will be based on service conductor voltage as per National Electrical Code, Article 230-201, or load side of transformer.

Inspection fees shall be paid ((PRIOR TO)) before connection by serving utility.

(1) New Service Fees:

AMPS	Single Multi-Family Residence		Other Than Residential		
	(Each Family Dwelling Unit)	1 phase	120/208 240 Volts	3 phase	480-600 Volts
1- 100	\$ ((20.00)) <u>32.00</u>	\$ ((20.00)) <u>32.00</u>	\$ ((20.00)) <u>40.00</u>	\$ ((20.00)) <u>48.00</u>	\$ ((40.00)) <u>68.00</u>
101- 200	((26.00)) <u>40.00</u>	((26.00)) <u>44.00</u>	((26.00)) <u>52.00</u>	((26.00)) <u>64.00</u>	((26.00)) <u>124.00</u>
201- 300	((30.00)) <u>48.00</u>	((30.00)) <u>52.00</u>	((30.00)) <u>76.00</u>	((30.00)) <u>96.00</u>	((30.00)) <u>192.00</u>
301- 400	((40.00)) <u>60.00</u>	((40.00)) <u>64.00</u>	((40.00)) <u>108.00</u>	((40.00)) <u>128.00</u>	((40.00)) <u>268.00</u>
401- 500	((52.00)) <u>84.00</u>	((52.00)) <u>88.00</u>	((52.00)) <u>140.00</u>	((52.00)) <u>172.00</u>	((52.00)) <u>340.00</u>
501- 600	((72.00)) <u>108.00</u>	((72.00)) <u>116.00</u>	((72.00)) <u>172.00</u>	((72.00)) <u>212.00</u>	((72.00)) <u>408.00</u>
601- 800	((80.00)) <u>124.00</u>	((80.00)) <u>128.00</u>	((80.00)) <u>192.00</u>	((80.00)) <u>244.00</u>	((80.00)) <u>488.00</u>
801-1200	((95.00)) <u>144.00</u>	((95.00)) <u>152.00</u>	((95.00)) <u>224.00</u>	((95.00)) <u>280.00</u>	((95.00)) <u>564.00</u>
1201-1600	((100.00)) <u>152.00</u>	((100.00)) <u>160.00</u>	((100.00)) <u>244.00</u>	((100.00)) <u>308.00</u>	((100.00)) <u>600.00</u>
1601-2000	((108.00)) <u>172.00</u>	((108.00)) <u>172.00</u>	((108.00)) <u>252.00</u>	((108.00)) <u>320.00</u>	((108.00)) <u>640.00</u>
2001-2500	((116.00)) <u>184.00</u>	((116.00)) <u>184.00</u>	((116.00)) <u>276.00</u>	((116.00)) <u>340.00</u>	((116.00)) <u>680.00</u>
2501-3000	((120.00)) <u>192.00</u>	((120.00)) <u>192.00</u>	((120.00)) <u>288.00</u>	((120.00)) <u>364.00</u>	((120.00)) <u>708.00</u>
3001-4000	((128.00)) <u>204.00</u>	((128.00)) <u>204.00</u>	((128.00)) <u>308.00</u>	((128.00)) <u>380.00</u>	((128.00)) <u>748.00</u>
4001-5000	((132.00)) <u>204.00</u>	((132.00)) <u>204.00</u>	((132.00)) <u>308.00</u>	((132.00)) <u>380.00</u>	((132.00)) <u>748.00</u>

AMPS	Single Family Residence (Each Family Dwelling Unit)	120/208 240 Volts	Other Than Residential
	1 phase	3 phase	601 & Over Volts
5001-6000		<u>212.00</u> <u>((140.00))</u> <u>224.00</u>	<u>320.00</u> <u>((212.00))</u> <u>340.00</u> <u>404.00</u> <u>((268.00))</u> <u>428.00</u> <u>800.00</u> <u>((496.00))</u> <u>844.00</u>

- (2) A minimum fee of \$10 shall be charged for each of the following subject to noted limitations.
- a. Mobile home service connection in a mobile home park.
 - b. Mobile home feeder where service is existing in a mobile home park.
 - c. Recreational vehicle park each lot to which power is supplied.
 - d. Boat space in a boat harbor or marina each berth to which power is supplied.
 - e. Calculation of or checking heat calculations, where required.
 - f. Individual carnival concessions to which power is supplied.
- (3) A minimum fee of \$15.00 shall be charged for each of the following subject to noted limitations.
- a. A temporary construction service for lighting and power of 20 KVA or less. The fee for a temporary construction service in excess of 20 KVA shall be 50% of the fee for a new service installation of like ampacity.
 - b. Yard pole meter loops or similar isolated metering installations.
 - c. Each adjacent farm building served from yard pole other than each residence. Exceptions: Installations exceeding 200 amperes shall be in accordance with the appropriate schedule.
 - d. Transient worker housing per unit.
- (4) The fee for a circuit extension installed for controls and motors for central vacuum systems, garage door openers and heating plants such as gas, oil and electrical furnaces is \$10.00.
- (5) The fee for installations, increase and/or relocation (altered) of an existing service or feeder shall be 50% of the fee for a new service of like ampacity, with a minimum fee of \$15.00.
- (6) The fee for new circuits, circuit extensions, circuit alterations, where the service or feeder is not modified, shall be a total of \$15.00 for one to four circuits inspected at the same time on the same premises under a single label and \$3.00 for each additional circuit.
- (7) The fee for sign and outline lighting circuits shall be a total of \$10 for one to four circuits inspected at the same time on the same premises under a single label and \$2 for each additional circuit.
- (8) The fee for each electric sign installed shall be a minimum of \$10.00.
- (9) Where a feeder terminates in a separate building it shall be classed as a separate service.
- (10) The fee for the first feeder installations with new services shall be 25% of the fee for service installations of like ampacity with a minimum fee of \$10.00 for each such feeder.
- (11) Optional fee schedule for service to individual motor(s) will be \$20.00 per motor for motor rating 25 HP or less; each additional horse power in excess of 25 HP will be an additional fifty cents per HP, with a maximum of \$100, including an allowance of 5 KVA of auxiliary motor equipment.
- The optional fee for a new service installation to individual motor(s) may be calculated in accordance with item (11) above based on HP rating or calculated per the new service amperage schedule item (1) above whichever is the lesser of the calculation methods so stated.
- (12) In addition to the service and feeder installation fee, the fee for each electrically driven irrigation machine shall be \$20.00.
- (13) Inspections requested for existing electrical facilities will be \$25.00 for the first hour or fraction thereof and \$20 each additional hour or fraction thereof.
- (14) Fees for plan review requests as noted in WAC 296-46-140(1) will be based upon twenty percent of the job label fee as determined by WAC 296-46-495, plus a fee of twenty-five dollars. Fees for electrical review of plans voluntarily requested as noted in WAC 296-46-140(4) will be based upon an hourly charge of \$30.00.
- (15) Penalty. A fee of \$15.00 per hour or fraction thereof shall be paid prior to approval of the installation if the following inspector services are necessary:
- a. Unnecessary trip or trips to inspect when label submitter has given premature notice to the inspector that the work is ready for inspection when it is not or has given an erroneous address.
 - b. More than one additional inspection call per label to view corrections required by written notice of the inspector as a result of carelessness, neglect or for improperly responding to corrective notices.

(16) The fee for emergency, standby and resource recovery generators up to 5 KW will be \$10.00. Such generators over 5 KW will be \$.50 per KW up to a maximum fee of \$120.00. Fees for generator installations that constitute the main source of power will be based upon the applicable service and feeder schedule.

**WSR 82-14-030
PROPOSED RULES
DEPARTMENT OF CORRECTIONS**

[Filed June 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Criminal justice reimbursement costs—Adult, adopting chapter 137-70 WAC. Supersedes chapter 275-110 WAC in respect to adult offenders under the jurisdiction of the Department of Corrections.

Correspondence regarding this notice and attached rule should be sent to:

John J. Sinclair, Administrator
Office of Contracts and Regulations
Division of Management and Budget
Mailstop FN-61
(206) 753-5770

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, August 10, 1982, in the Department of Corrections, Office of the Secretary, Olympia.

The authority under which these rules are proposed is RCW 72.72.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 10, 1982.

Dated: June 28, 1982
By: Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule(s): This statement is filed pursuant to RCW 34.04.045 and regards the adoption of chapter 137-70 WAC dealing with the criminal justice reimbursement costs for adults.

Statutory authority for adoption is found in RCW 72.72.040.

Summary of the Rule(s): This chapter sets forth rules and regulations governing the administration of the institutional impact account under chapter 72.72 RCW and supersedes chapter 275-110 WAC in respect to adult offenders.

Description of the Purpose of the Rule(s): The purpose of chapter 137-70 WAC is to ensure that impacted political subdivisions have equal opportunity to receive reimbursement for criminal justice costs incurred directly due to crimes committed by offenders residing in an institution from the institutional impact account set up by RCW 72.72.030.

The Person Responsible for Drafting, Implementation and Enforcement of the Rule is: John J. Sinclair, Administrator, Office of Contracts and Regulations, Division of Management and Budget, Mailstop FN-61, (206) 753-5770.

No person or organization other than the Department of Corrections has proposed these rules.

These rules are not necessary as a result of federal laws or federal or state court decisions.

**Chapter 137-70 WAC
CRIMINAL JUSTICE REIMBURSEMENT – ADULTS**

NEW SECTION

WAC 137-70-010 PURPOSE. Chapter 72.72 RCW created an institutional impact account, in the general fund, for the purpose of reimbursing political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in correctional institutions. The purpose of these rules is to implement that statute and to set forth the procedures under which these funds will be distributed for impacts relating to adult offenders.

NEW SECTION

WAC 137-70-020 DEFINITIONS. As used in this chapter, the following items shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

(2) "Department" shall mean the department of corrections.

(3) "Inmate" shall mean individuals sentenced to the custody of the department under state law and inmates transferred from other states or the federal government.

(4) "Institution" shall mean all those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(5) "Political subdivision" shall mean any city, town, county or other unit of local government.

(6) All references to the singular shall include the plural unless noted otherwise.

NEW SECTION

WAC 137-70-030 ELIGIBILITY. Reimbursement shall be available to any political subdivision which is impacted by any adult correctional facility as defined in RCW 72.01.050(2) or a community residential program as defined and operated pursuant to chapter 72.65 RCW. As used herein, impacted shall mean that the political subdivision incurred an incremental cost, reimbursable under this chapter, which was specifically and exclusively attributable to the criminal behavior of state institutional inmates incarcerated in or who have escaped from an institution. Reimbursement is available for parolees or probationers only if they are assigned to an institution as defined herein: PROVIDED, That reimbursement shall be limited to new crimes and shall not be available for violations of the conditions of parole or probation and the resulting revocation hearings.

NEW SECTION

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES. (1) Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, in accordance with the following rates:

(a) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees or in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution. These costs are reimbursable at the following rates:

(i) \$14.51 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$16.60 per hour for the period July 1, 1982, through June 30, 1983.

(b) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(i) \$36.00 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$39.69 per hour from July 1, 1982, through June 30, 1983.

(c) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(i) Judges - \$36.00 per hour from the effective date of this chapter until June 30, 1982, and \$36.99 per hour for the period July 1, 1982, through June 30, 1983. These costs shall include the services of court clerks and bailiffs.

(ii) Court reporters - \$15.00 per hour from the effective date of this chapter through June 30, 1982, and \$16.64 per hour for the period July 1, 1982, through June 30, 1983.

(iii) Transcript typing services - \$3.00 per page from the effective date of this chapter through June 30, 1982, and \$3.31 per page for the period July 1, 1982, through June 30, 1983.

(iv) Expert witnesses - \$50.60 per hour from the effective date of this chapter to June 30, 1982, and \$55.70 per hour for the period July 1, 1982, through June 30, 1983.

(v) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$25.00 per day.

(d) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$7.00 per inmate day from the effective date of this chapter through June 30, 1983.

(e) Jail related security costs. If an inmate requires hospitalization, security at the hospital shall be reimbursed at the following maximum rates:

(i) \$9.91 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$10.93 per hour for the period July 1, 1982, through June 30, 1983.

NEW SECTION

WAC 137-70-050 LIMITATION OF FUNDS. Reimbursement under WAC 137-70-040 shall be paid in the order they are received until the legislative appropriation for the biennium is fully expended. If the impact fund is fully expended before the end of the biennium, political subdivisions should continue to submit claims for the purpose of developing future impact account funding requests.

NEW SECTION

WAC 137-70-060 BILLING PROCEDURE. (1) Request for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, signed by the political subdivisions responsible fiscal officer, to the Department of Corrections, Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504.

(2) All A-19 requests must be accompanied by a narrative explanation of all costs incurred. This narrative must include at least the following information:

(a) Full name and DOC identification number of inmate;

(b) Institution to which the inmate is assigned or where he/she escaped;

(c) Incident requiring the political subdivisions assistance, i.e. escape, investigation and dates;

(d) Costs incurred broken down into the categories of reimbursable costs allowed in WAC 137-70-040 and hourly rate used;

(e) Admission and release dates if applicable;

(f) Other supporting information or documentation.

NEW SECTION

WAC 137-70-070 DEPARTMENT REVIEW COMMITTEE.

(1) All requests for reimbursement shall be reviewed by a department committee composed of the following individuals or their designees:

(a) The deputy secretary;

(b) Director, division of management and budget;

(c) Director, division of prisons;

(d) Contracts and regulations administrator;

(e) Capital programs administrator; and the

(f) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

NEW SECTION

WAC 137-70-080 IMPLIED CONSENT TO AUDIT. (1) By submitting requests for reimbursement, the requesting political subdivision agrees to maintain records which would support the request made for a period five years after the date of such request.

(2) If requested by the secretary, or his/her designee, the political subdivision shall make these records available for review and/or audit by the department.

ccr

WSR 82-14-031 PROPOSED RULES DEPARTMENT OF CORRECTIONS

[Filed June 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Cost of supervision—Probation and parole, new chapter 137-65 WAC.

Correspondence or comments concerning this notice and attached rules should be sent to:

John J. Sinclair, Administrator
Office of Contracts and Regulations
Division of Management and Budget
Mailstop FN-61
Scan (206) 234-5770

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, August 10, 1982, in the Capital Center Building, 6th Floor, Olympia, Washington.

The authority under which these rules are proposed is chapters 72.04A and 9.94A RCW as amended by chapter 207, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 10, 1982.

Dated: June 29, 1982

By: Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule: New chapter 137-65 WAC, Cost of Supervision—Probation and Parole.

Statutory Authority: Chapters 72.04A and 9.94A RCW as amended by chapter 207, Laws of 1982.

Summary and Purpose of Rule: This rule is intended to administratively implement chapter 207, Laws of 1982 which requires a cost-of-supervision fee to be assessed for certain felony probationers and parolees. This rule sets the fee to be assessed and the assessment procedures.

Agency Personnel Responsible for Drafting and Adoption: John J. Sinclair, Administrator, Office of Contracts and Regulations, Division of Management and

Budget, Mailstop FN-61, Scan 234-5770; Implementation and Enforcement: Ross M. Peterson, Director, Division of Community Services, Mailstop FN-51, Scan 234-4616.

No other person or organization other than the Department of Corrections is proposing this rule.

This rule is not necessary to comply with a federal law or a federal or state court decision.

This rule does not have an impact on small businesses.

Chapter 137-65 WAC COST OF SUPERVISION—PROBATION AND PAROLE

NEW SECTION

WAC 137-65-010 PURPOSE. The purpose of this regulation is to provide administrative rules and standards pursuant to chapters 9.94A and 72.04A RCW, as now or hereafter amended which require a cost-of-supervision assessment for certain felony probationers and parolees.

NEW SECTION

WAC 137-65-020 SCOPE. This regulation shall apply to every person convicted of a felony in the state of Washington and placed on probation (community supervision) or parole effective July 1, 1982 when such convicted person is required by the sentencing court or the board of prison terms and paroles to pay a monthly cost of supervision fee (assessment) to the state.

NEW SECTION

WAC 137-65-030 FEE. The assessed cost of supervision fee shall be fifteen dollars per month for each month an offender is on active probation or parole supervision, if so ordered as a special condition of probation by the sentencing court or as a special condition of parole by the board of prison terms and paroles. Convicted persons serving probation and parole simultaneously may be assessed thirty dollars per month, or up to fifty dollars per month for high supervision costs (intensive supervision).

NEW SECTION

WAC 137-65-040 P.S.I. REPORT. The probation and parole officer preparing the presentence investigation report shall recommend that the sentencing court make the monthly cost of supervision assessment a condition of probation unless the officer finds one or more of the following:

(1) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the court.

Reasons for recommending exemption from the assessment shall be stipulated in the presentence report. In cases where a presentence investigation is not conducted but the court wishes a recommendation, a special report may be used.

NEW SECTION

WAC 137-65-050 P.P.I. REPORT. The probation and parole officer preparing the prearrest investigation report shall recommend that the board of prison terms and paroles make the monthly cost of supervision assessment a condition of parole unless the officer finds one or more of the following:

(1) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the board of prison terms and paroles.

Reasons for recommending exemptions from the assessment shall be stipulated in the prearrest investigation report.

NEW SECTION

WAC 137-65-060 INSTRUCTIONS. When ordered by the sentencing court or the board of prison terms and paroles to pay the monthly cost of supervision assessment, the subject offender will receive written instructions specifying terms of payment.

NEW SECTION

WAC 137-65-070 EXCEPTION. The cost of supervision assessment shall not apply to cases supervised exclusively under the interstate compact.

NEW SECTION

WAC 137-65-080 VIOLATION. Failure to comply with a cost of supervision assessment order imposed by the sentencing court or board of prison terms and paroles shall be treated as any other violation of probation or parole and brought to the attention of the court or board in a standard violation report. Limited discretion is authorized in responding to late payments if in the officer's judgment circumstances warrant, and if the subject offender is earnestly trying to meet his financial obligations.

WSR 82-14-032

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed June 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning institutional industries, chapter 137-80 WAC.

Correspondence regarding this notice and attached rules should be addressed to:

John J. Sinclair, Administrator
Office of Contracts and Regulations
Division of Management and Budget
Mailstop FN-61
(206) 753-5770

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, August 10, 1982, in the Department of Corrections, Capital Center Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 34.04 RCW and RCW 72.09.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 10, 1982.

Dated: June 25, 1982

By: Amos E. Reed

Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 137-80 WAC, Institutional Industries; includes WAC 137-80-010 Purpose; 137-80-020 Definitions; 137-80-030 Establishment of Inmate Programs; 137-80-040 Sale of Goods; 137-80-050 Proceeds of Sale; and 137-80-060 Inmate Job Opportunities.

Statutory Authority: Chapter 34.04 RCW and RCW 72.09.050.

Summary of the Rules: This notice proposes to add a new chapter to WAC regarding the operation of institutional industries. These rules decide the scope of the Division of Institutional Industries. The rules set the requirements or procedures for the sale of goods from inmate programs; disposition of the net profits from the sale of those goods; and the listing of inmate job opportunities.

Description of the Purpose of the Rules: The Department of Corrections has proposed these rules as a result of the formation of the new Department of Corrections and the Division of Institutional Industries within that department.

Reasons Supporting the Rules: Develop guidelines and a framework in accordance with the statutory authority in which the Division of Institutional Industries shall operate.

The Agency Personnel who are Responsible for the Drafting and Enforcement of the Rule: John J. Sinclair, Administrator, Office of Contracts and Regulations, Division of Management and Budget, Mailstop FN-61, (206) 753-5770.

No person or organization, either private or public, other than the Department of Corrections has proposed these rules.

These rules are not necessary to comply with federal law or a federal or state court decision.

Chapter 137-80 WAC INSTITUTIONAL INDUSTRIES

NEW SECTION

WAC 137-80-010 PURPOSE. These rules and regulations are adopted pursuant to and in accordance with chapter 34.04 RCW. The purpose is to provide standards and procedures for the operation of the division of institutional industries.

NEW SECTION

WAC 137-80-020 DEFINITIONS. (1) "Secretary" means the secretary of the department of corrections or his/her designee.

(2) "Director" means the director of the institutional industries division appointed by the secretary.

(3) "Institutional industries board of directors" means the board established by the authority of the Corrections Reform Act of 1981, RCW 72.09.070.

(4) "Free venture industries" means any industry producing goods or services for sale to both the public and private sector which is operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. Inmates shall be paid a wage by the organization of not less than sixty percent of the approximate prevailing wage within the state for the occupation, as determined by the director, or minimum wage, whichever is greater.

(5) "Tax reduction industries" means any state-owned and operated enterprises designed to reduce the cost for services and goods for tax supported agencies and for nonprofit organizations which assist persons who are poor or infirm. Products of these enterprises may be sold to

public agencies and to nonprofit organizations which assist persons who are poor or infirm. Inmates shall be paid for their work on a gratuity scale, approved by the director, which shall not exceed the federal minimum wage.

(6) "Institutional support industries" means any industry operated by the department of corrections designed and managed to provide basic work training and experience to the inmate. All able and eligible inmates who are assigned work and who are not working in other classes of industries are included in this class. Inmates shall be paid for their work in accordance with an inmate gratuity scale adopted by the secretary.

(7) "Community work industries" means any industry operated by the department of corrections designed and managed to provide services in the inmate's resident community at a reduced cost. Services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations which assist the poor or infirm. Inmates shall receive a gratuity from a unit of local government which shall not exceed the minimum wage.

(8) "Community service programs" means any program operated by the state, local unit of government, or a nonprofit agency which assists persons who are poor or infirm which is subject to supervision by the department of corrections which enables an offender, placed on probation, to work off all or part of a community service order as ordered by the sentencing court.

(9) "Department" means the department of corrections.

(10) "Institutional industries" means the division within the department of corrections charged with developing and managing comprehensive work programs to provide work skills, work experience and exposure to the work ethic for offenders under the jurisdiction of the department.

NEW SECTION

WAC 137-80-030 ESTABLISHMENT OF INMATE PROGRAMS. In order to provide a comprehensive work program the following classes of work programs are adopted:

- (1) Class I: Free venture industries;
- (2) Class II: Tax reduction industries;
- (3) Class III: Institutional support industries;
- (4) Class IV: Community work industries; and
- (5) Class V: Community service programs.

The above listed classes of work programs are adopted as codified in RCW 72.09.100. The secretary shall set forth department policy for the establishment of each class of work program, regulating, among others, inmates participation and wages, space rental and contracts for inmate employment.

NEW SECTION

WAC 137-80-040 SALE OF GOODS. (1) The director or his/her designee may sell all articles, materials, and supplies authorized by statute to be produced or manufactured in correctional institutions to any state agency, political subdivision of the state or as otherwise authorized by statute.

(2) The secretary shall require those institutions under his direction to give preference to those articles, materials, and supplies produced or manufactured by institutional industries when purchases are made for institution needs.

(3) The director may cause to be prepared annually, at such times he may determine, lists containing the descriptions of all articles and supplies manufactured and produced in state correctional institutions; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

NEW SECTION

WAC 137-80-050 PROCEEDS OF SALE. Except for any sum recommended by the institutional industries board of directors to be returned to the state general fund, all net profits from institutional industries shall be placed in a special revolving fund (Class II account) and shall be used exclusively, without appropriation, in the expansion and improvement of Class II industries.

NEW SECTION

WAC 137-80-060 INMATE JOB OPPORTUNITIES. The director shall cause to be periodically prepared and distributed to a central location in each institution a list of prison industries' job

opportunities. This list shall include, but not limited to, job descriptions and the educational and skill requirements of each job and shall be made available to personnel of the institution, institutional industries and to the inmates.

**WSR 82-14-033
EMERGENCY RULES
DEPARTMENT OF CORRECTIONS**

[Order 82-08—Filed June 29, 1982]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Criminal justice reimbursement costs—Adults, adopting chapter 137-70 WAC. Supersedes chapter 275-110 WAC in respect to adult offenders under the jurisdiction of the Department of Corrections.

I, Amos E. Reed, Secretary, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the new rules will add to the general welfare and safety of the public at large in providing needed funds to cities, towns, counties or other units of local government to redress the disproportionate share of the criminal justice costs incurred directly as a result of crimes committed by offenders residing in correctional institutions.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 72.72.040 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 28, 1982.

By Amos E. Reed
Secretary

**Chapter 137-70 WAC
CRIMINAL JUSTICE REIMBURSEMENT –
ADULTS**

NEW SECTION

WAC 137-70-010 PURPOSE. Chapter 72.72 RCW created an institutional impact account, in the general fund, for the purpose of reimbursing political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in correctional institutions. The purpose of these rules is to implement that statute and to set forth the procedures under which these funds will be distributed for impacts relating to adult offenders.

NEW SECTION

WAC 137-70-020 DEFINITIONS. As used in this chapter, the following items shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

(2) "Department" shall mean the department of corrections.

(3) "Inmate" shall mean individuals sentenced to the custody of the department under state law and inmates transferred from other states or the federal government.

(4) "Institution" shall mean all those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(5) "Political subdivision" shall mean any city, town, county or other unit of local government.

(6) All references to the singular shall include the plural unless noted otherwise.

NEW SECTION

WAC 137-70-030 ELIGIBILITY. Reimbursement shall be available to any political subdivision which is impacted by any adult correctional facility as defined in RCW 72.01.050(2) or a community residential program as defined and operated pursuant to chapter 72.65 RCW. As used herein, impacted shall mean that the political subdivision incurred an incremental cost, reimbursable under this chapter, which was specifically and exclusively attributable to the criminal behavior of state institutional inmates incarcerated in or who have escaped from an institution. Reimbursement is available for parolees or probationers only if they are assigned to an institution as defined herein: PROVIDED, That reimbursement shall be limited to new crimes and shall not be available for violations of the conditions of parole or probation and the resulting revocation hearings.

NEW SECTION

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES. (1) Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, in accordance with the following rates:

(a) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees or in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution. These costs are reimbursable at the following rates:

(i) \$14.51 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$16.60 per hour for the period July 1, 1982, through June 30, 1983.

(b) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(i) \$36.00 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$39.69 per hour from July 1, 1982, through June 30, 1983.

(c) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(i) Judges - \$36.00 per hour from the effective date of this chapter until June 30, 1982, and \$36.99 per hour for the period July 1, 1982, through June 30, 1983. These costs shall include the services of court clerks and bailiffs.

(ii) Court reporters - \$15.00 per hour from the effective date of this chapter through June 30, 1982, and \$16.64 per hour for the period July 1, 1982, through June 30, 1983.

(iii) Transcript typing services - \$3.00 per page from the effective date of this chapter through June 30, 1982, and \$3.31 per page for the period July 1, 1982, through June 30, 1983.

(iv) Expert witnesses - \$50.60 per hour from the effective date of this chapter to June 30, 1982, and \$55.70 per hour for the period July 1, 1982, through June 30, 1983.

(v) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$25.00 per day.

(d) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$7.00 per inmate day from the effective date of this chapter through June 30, 1983.

(e) Jail related security costs. If an inmate requires hospitalization, security at the hospital shall be reimbursed at the following maximum rates:

(i) \$9.91 per hour from the effective date of this chapter through June 30, 1982.

(ii) \$10.93 per hour for the period July 1, 1982, through June 30, 1983.

NEW SECTION

WAC 137-70-050 LIMITATION OF FUNDS.

Reimbursement under WAC 137-70-040 shall be paid in the order they are received until the legislative appropriation for the biennium is fully expended. If the impact fund is fully expended before the end of the biennium, political subdivisions should continue to submit claims for the purpose of developing future impact account funding requests.

NEW SECTION

WAC 137-70-060 BILLING PROCEDURE. (1)

Request for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, signed by the political subdivisions responsible fiscal officer, to the Department of Corrections, Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504.

(2) All A-19 requests must be accompanied by a narrative explanation of all costs incurred. This narrative must include at least the following information:

(a) Full name and DOC identification number of inmate;

(b) Institution to which the inmate is assigned or where he/she escaped;

(c) Incident requiring the political subdivisions assistance, i.e. escape, investigation and dates;

(d) Costs incurred broken down into the categories of reimbursable costs allowed in WAC 137-70-040 and hourly rate used;

(e) Admission and release dates if applicable;

(f) Other supporting information or documentation.

NEW SECTION

WAC 137-70-070 DEPARTMENT REVIEW COMMITTEE. (1) All requests for reimbursement shall be reviewed by a department committee composed of the following individuals or their designees:

(a) The deputy secretary;

(b) Director, division of management and budget;

(c) Director, division of prisons;

(d) Contracts and regulations administrator;

(e) Capital programs administrator; and the

(f) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

NEW SECTION

WAC 137-70-080 IMPLIED CONSENT TO AUDIT. (1) By submitting requests for reimbursement, the requesting political subdivision agrees to maintain records which would support the request made for a period five years after the date of such request.

(2) If requested by the secretary, or his/her designee, the political subdivision shall make these records available for review and/or audit by the department.

WSR 82-14-034 EMERGENCY RULES DEPARTMENT OF CORRECTIONS [Order 82-09—Filed June 29, 1982]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Cost of supervision—Probation and parole, new chapter 137-65 WAC.

I, Amos E. Reed, Secretary, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the

facts constituting such emergency is this rule is necessary to implement chapter 207, Laws of 1982. This chapter will add to the general welfare by requiring the collection of fees for parole and probation supervision.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 72.04A and 9.94A RCW as amended by chapter 207, Laws of 1982 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 29, 1982.

By Amos E. Reed
Secretary

**Chapter 137-65 WAC
COST OF SUPERVISION—PROBATION AND PAROLE**

NEW SECTION

WAC 137-65-010 PURPOSE. The purpose of this regulation is to provide administrative rules and standards pursuant to chapters 9.94A and 72.04A RCW, as now or hereafter amended which require a cost-of-supervision assessment for certain felony probationers and parolees.

NEW SECTION

WAC 137-65-020 SCOPE. This regulation shall apply to every person convicted of a felony in the state of Washington and placed on probation (community supervision) or parole effective July 1, 1982 when such convicted person is required by the sentencing court or the board of prison terms and paroles to pay a monthly cost of supervision fee (assessment) to the state.

NEW SECTION

WAC 137-65-030 FEE. The assessed cost of supervision fee shall be fifteen dollars per month for each month an offender is on active probation or parole supervision, if so ordered as a special condition of probation by the sentencing court or as a special condition of parole by the board of prison terms and paroles. Convicted persons serving probation and parole simultaneously may be assessed thirty dollars per month, or up to fifty dollars per month for high supervision costs (intensive supervision).

NEW SECTION

WAC 137-65-040 P.S.I. REPORT. The probation and parole officer preparing the presentence investigation report shall recommend that the sentencing court make the monthly cost of supervision assessment a condition of probation unless the officer finds one or more of the following:

(1) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the court.

Reasons for recommending exemption from the assessment shall be stipulated in the presentence report. In cases where a presentence investigation is not conducted but the court wishes a recommendation, a special report may be used.

NEW SECTION

WAC 137-65-050 P.P.I. REPORT. The probation and parole officer preparing the preprobation investigation report shall recommend that the board of prison terms and paroles make the monthly cost of supervision assessment a condition of parole unless the officer finds one or more of the following:

(1) The offender has diligently attempted but has been unable to obtain employment which provides the offender sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(6) Other extenuating circumstances as determined by the board of prison terms and paroles.

Reasons for recommending exemptions from the assessment shall be stipulated in the preprobation investigation report.

NEW SECTION

WAC 137-65-060 INSTRUCTIONS. When ordered by the sentencing court or the board of prison terms and paroles to pay the monthly cost of supervision assessment, the subject offender will receive written instructions specifying terms of payment.

NEW SECTION

WAC 137-65-070 EXCEPTION. The cost of supervision assessment shall not apply to cases supervised exclusively under the interstate compact.

NEW SECTION

WAC 137-65-080 VIOLATION. *Failure to comply with a cost of supervision assessment order imposed by the sentencing court or board of prison terms and paroles shall be treated as any other violation of probation or parole and brought to the attention of the court or board in a standard violation report. Limited discretion is authorized in responding to late payments if in the officer's judgment circumstances warrant, and if the subject offender is earnestly trying to meet his financial obligations.*

**WSR 82-14-035
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 82-71—Filed June 29, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is needed to allow non-Indian anglers the opportunity to harvest their share of surplus salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 29, 1982.

By W. R Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-57-27000J HOH RIVER Notwithstanding the provisions of WAC 220-57-270, effective immediately through October 31, 1982, in those waters of the Hoh River downstream from a marker approximately a quarter mile above the Highway 101 Bridge, the following special bag limit shall apply – six salmon per day not less than 10 inches in length, not more than two of which may exceed 24 inches in length; coho salmon greater than 20 inches must be released.

**WSR 82-14-036
EMERGENCY RULES
OFFICE OF
ADMINISTRATIVE HEARINGS**
[Order 1—Filed June 30, 1982]

I, David R. LaRose, Chief Administrative Law Judge, Director of the Office of Administrative Hearings, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 10-01-010 Administrative hearings—Procedural rules.
New WAC 10-01-020 Administrative hearings—Presiding officers.

I, David R. LaRose, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is interim procedures pending adoption of permanent uniform procedural rules pursuant to RCW 34.04.022 and 34.12.080.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 34.04.022 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By D. R. LaRose
Chief Administrative Law Judge

NEW SECTION

WAC 10-01-010 INTERIM EXTENSION OF EXISTING PROCEDURAL RULES. Pending the adoption of uniform procedural rules for contested cases pursuant to Ch. 67, Laws of 1981, contested case hearings conducted by or on behalf of a state agency shall be conducted under the rules of practice and procedure which governed the agency's hearings as of June 30, 1982.

NEW SECTION

WAC 10-01-020 TRANSITIONAL ASSIGNMENT OF PRESIDING OFFICERS. When a state agency as defined in RCW 34.12.020(4) conducts a hearing which is not presided over by the officials of the agency who are to render the final decision, and the agency has appointed or assigned an individual prior to July 1, 1982 to preside over the hearing, such individual may, at the election of the agency, continue to preside until the conclusion of the proceeding.

WSR 82-14-037
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order FT-82-3—Filed June 30, 1982]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 458-40-18670	Definitions for 7/1/82 through 12/31/82.
New	WAC 458-40-18671	Stumpage value areas—Map for 7/1/82 through 12/31/82.
New	WAC 458-40-18672	Hauling distance zones—Maps for 7/1/82 through 12/31/82.
New	WAC 458-40-18673	Timber quality code numbers—Tables for 7/1/82 through 12/31/82.
New	WAC 458-40-18674	Stumpage values—Tables for 7/1/82 through 12/31/82.
New	WAC 458-40-18675	Harvester adjustments—Tables for 7/1/82 through 12/31/82.
New	WAC 458-40-18676	Small harvester option for period 7/1/82 through 12/31/82.
New	WAC 458-40-18677	Definitions for small harvester option for 7/1/82 through 12/31/82.
New	WAC 458-40-18678	Taxable stumpage value for 7/1/82 through 12/31/82.
Amd	WAC 458-40-18600	General.
Amd	WAC 458-40-19000	Timber pole volume table for west of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd	WAC 458-40-19001	Timber piling volume table for west of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd	WAC 458-40-19002	Timber pole volume table for east of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd	WAC 458-40-19003	Timber piling volume table for east of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd	WAC 458-40-19004	Conversion definitions and factors for the calendar period 7/1/82 through 12/31/82.

This action is taken pursuant to Notice No. WSR 82-10-055 filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.01.060 and 84.33.071 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By John B. Conklin
Forest Tax Supervisor

AMENDATORY SECTION (Amending Order FT-81-4, filed 12/31/81)

WAC 458-40-18600 GENERAL. Pursuant to the duty imposed by RCW 84.33.071 to prepare tables of stumpage values for each species of timber and consistent with the duty to make allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors, the department has promulgated rules and prepared

tables which prescribe stumpage values and make allowances for the relevant factors.

WAC 458-40-18600, ((458-40-18661)) 458-40-18670 through ((458-40-18666)) 458-40-18675 and 458-40-19000 through 458-40-19004 are promulgated for the calendar period ((7/1/82)) 7/1/82 through ((6/30/82)) 12/31/82 pursuant to the rule-making requirements, and procedures prescribed or authorized by chapter 34.04 RCW.

NEW SECTION

WAC 458-40-18670 DEFINITIONS FOR 7/1/82 THROUGH 12/31/82. (1) Acceptable Log Scaling Rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) Approved Log Scaling and Grading Rules.

(a) West of the Cascade Summit—Approved Scaling and Grading Rule. With respect to the reporting of timber harvested from private lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, 5, and 11 in the stumpage value area map of WAC 458-40-18671, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) East of the Cascade Summit—Approved Scaling Rule. With respect to the reporting of timber harvested from private lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18671, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade Summit—Established Grading Rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) Codominant Trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) Dominant Trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) Forest Excise Tax Payment. Every person who is engaged in business as a harvester of timber from privately owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 84.33.071.

(7) Harvester. Harvester shall mean every person who from his own privately owned land or from privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) Harvested Timber—When Determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or older and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western redcedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

- (i) Harvest unit located west of the Cascade summit;
- (ii) Timber that is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is less than 100 years of age and does not meet the definition of thinning in paragraph (d) above and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) Small Harvest. A small volume adjustment is allowed where the total net volume harvested per taxpayer (excluding conifer and hardwood utility does not exceed 1,000 MBF per calendar year and does not exceed 500 MBF per quarter.

(14) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof (as defined in Agriculture Handbook No. 541 Checklist of United States Trees (Native and Naturalized)):

(a) West of the Cascade summit:

(i) "Douglas-fir", "western hemlock", "true fir", "western redcedar", "noble fir", "Sitka spruce", "Alaska-cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18674.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (shake blocks and boards), western redcedar flatsawn and shingle blocks "western redcedar and other" (posts), "Douglas-fir", "true fir and others", (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "western white pine", "Douglas-fir", "western hemlock", "true fir", "western redcedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18674.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (flatsawn and shingles), "western larch" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas-fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are eleven such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18671. Stumpage value areas 1, 2, 3, 4, 5, and 11 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18674.

(17) Timber. Timber shall include forest trees, standing or down, on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, posts and other western redcedar products.

(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18673, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

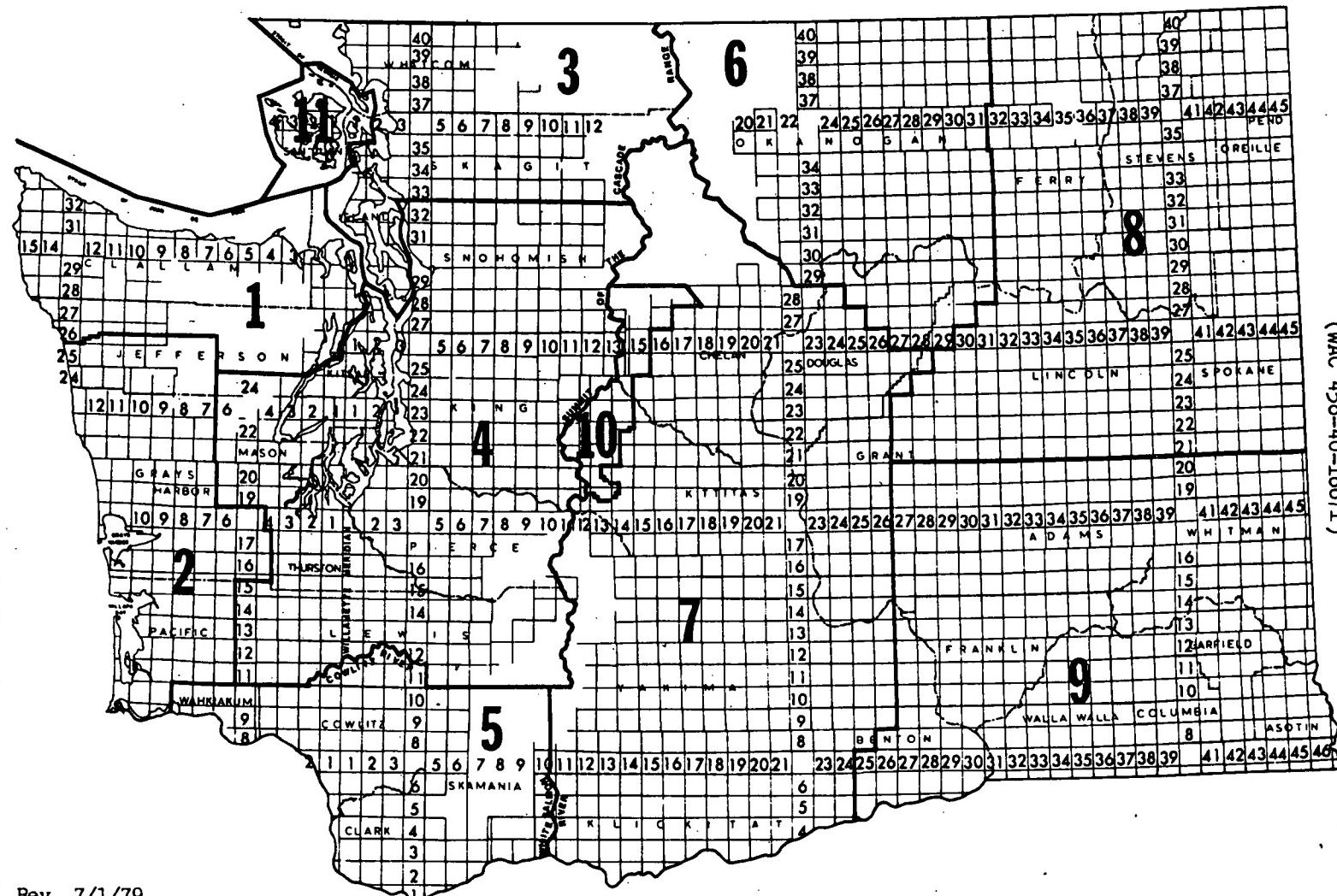
NEW SECTION

WAC 458-40-18671 STUMPAGE VALUE AREAS—MAP FOR 7/1/82 THROUGH 12/31/82. In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 84.33.071(3) the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18674.

The following stumpage value area map is hereby adopted for use during the period of July 1, 1982 through December 31, 1982:

STATE OF WASHINGTON
STUMPFAGE VALUE AREA MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18671)



NEW SECTION**WAC 458-40-18672 HAULING DISTANCE
ZONES—MAPS FOR 7/1/82 THROUGH 12/31/82.**

In order to allow for differences in hauling costs and other relevant factors as required by RCW 84.33.071, the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

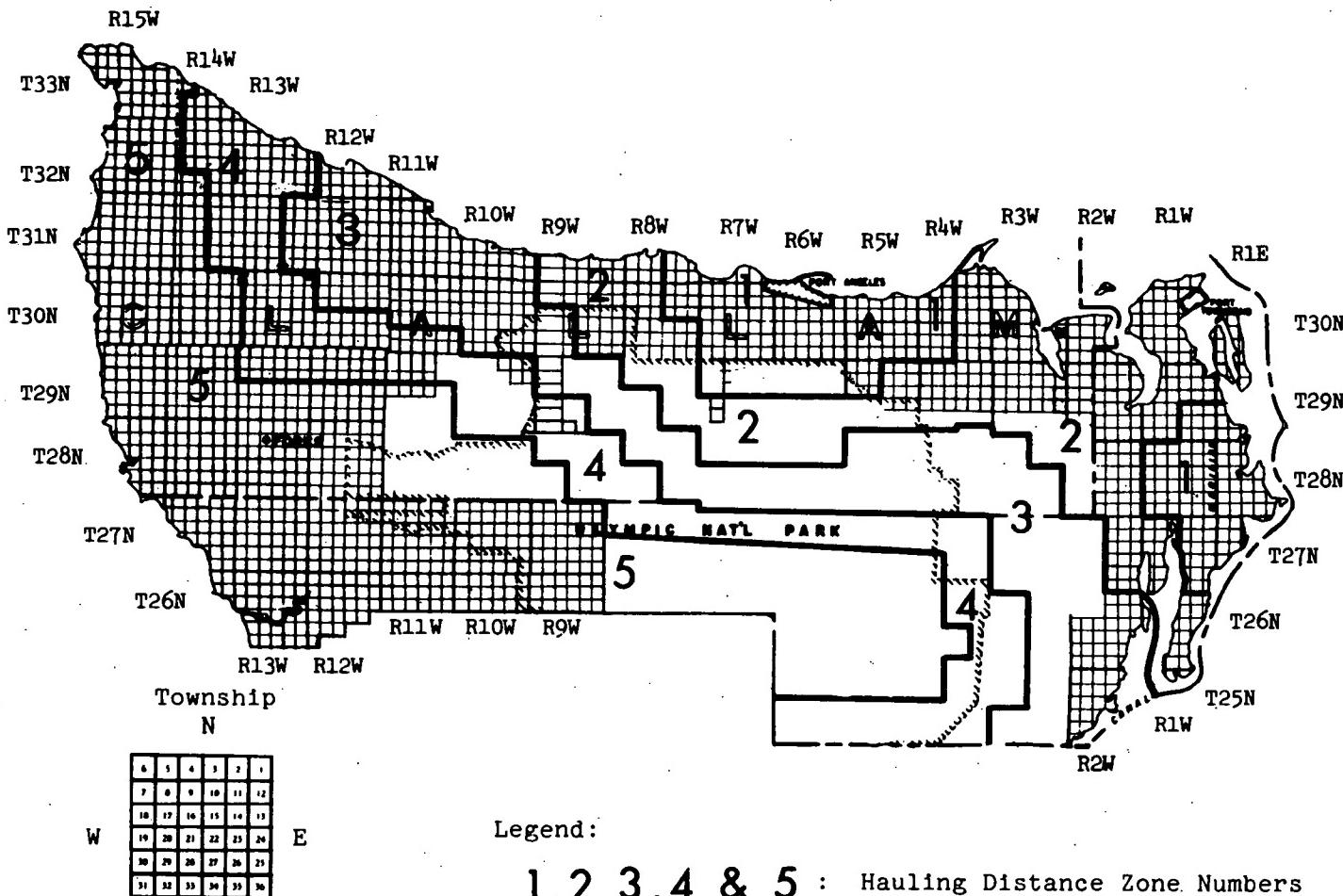
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18674.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1, 1982 through December 31, 1982:

HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPPAGE VALUE AREA 1

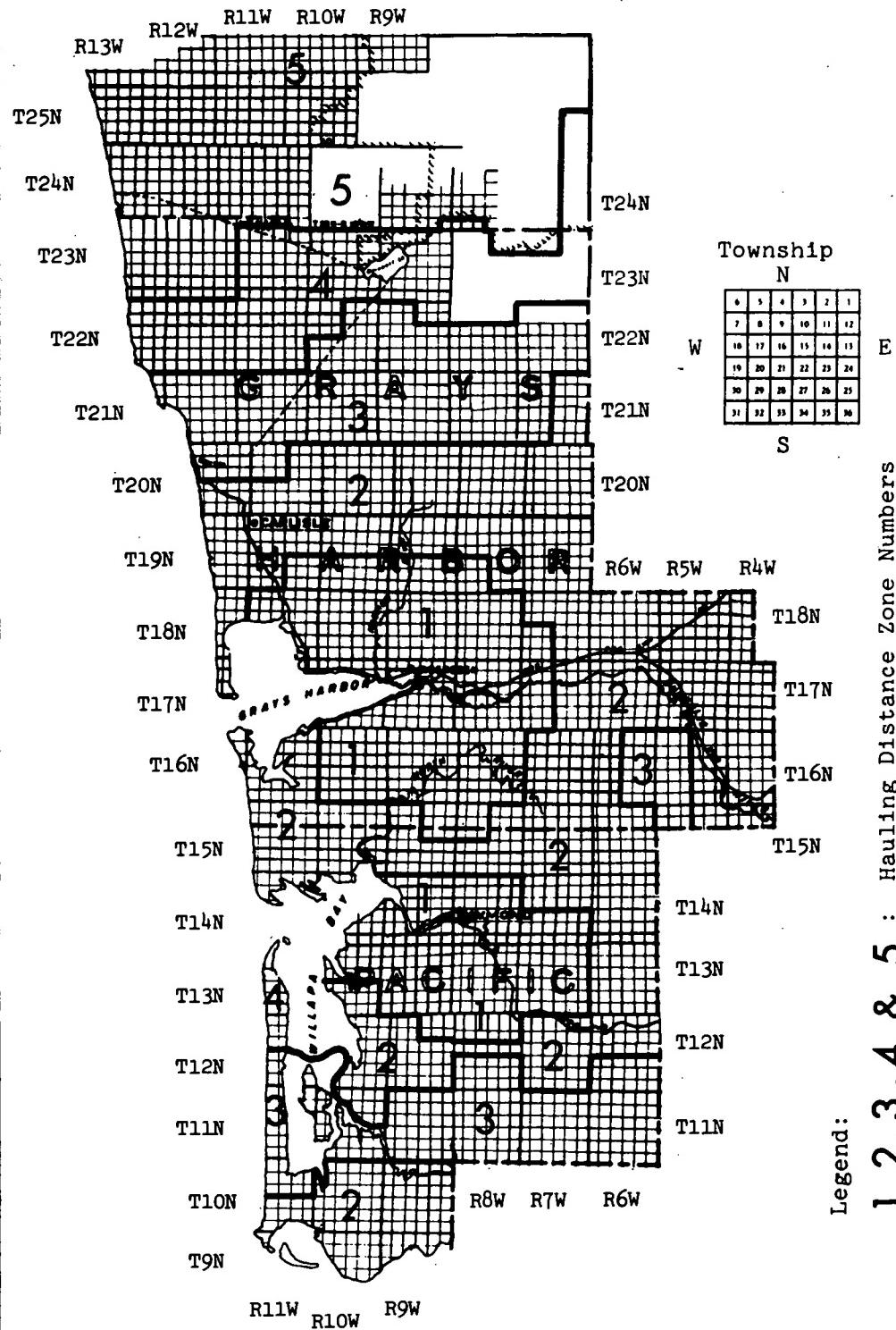
Page 1 of 1



HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
 (WAC458-40-18672)

STUMPAGE VALUE AREA 2

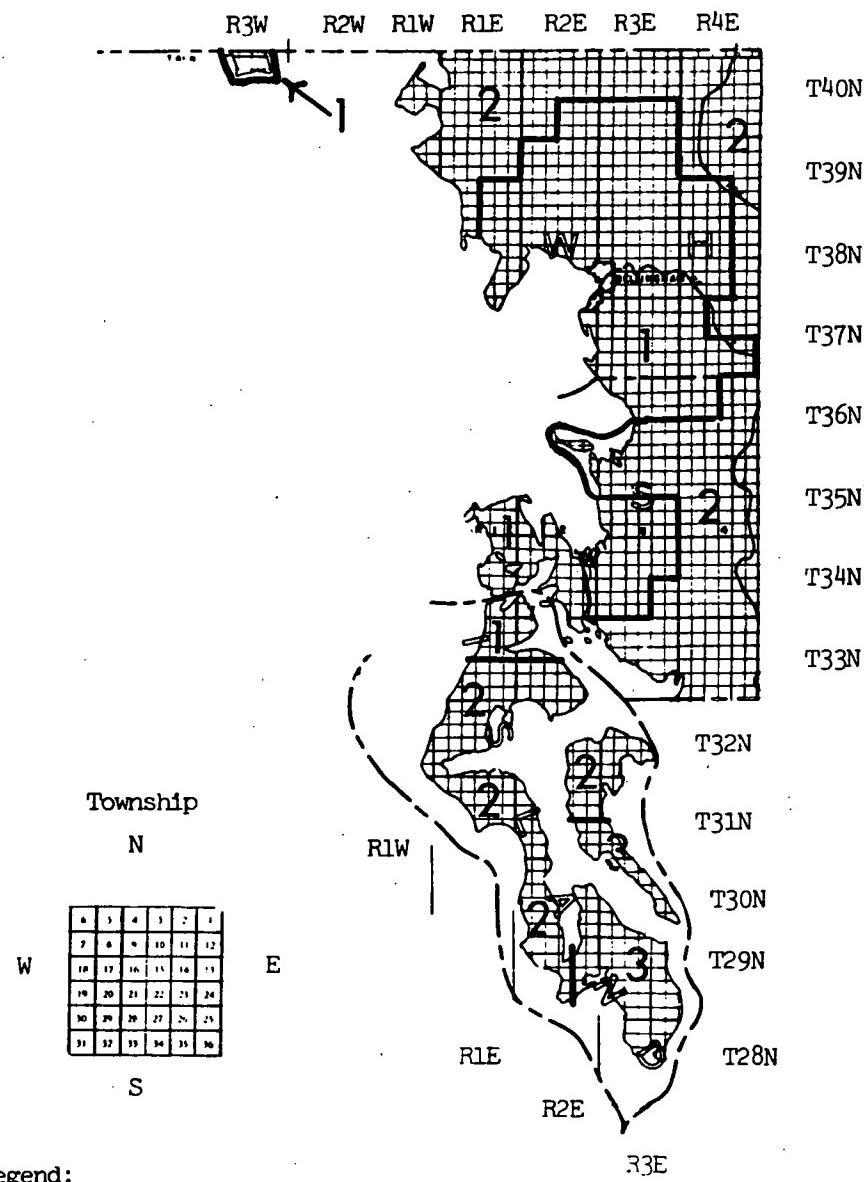
Page 1 of 1



HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC458-40-18672)

STUMPAGE VALUE AREA 3

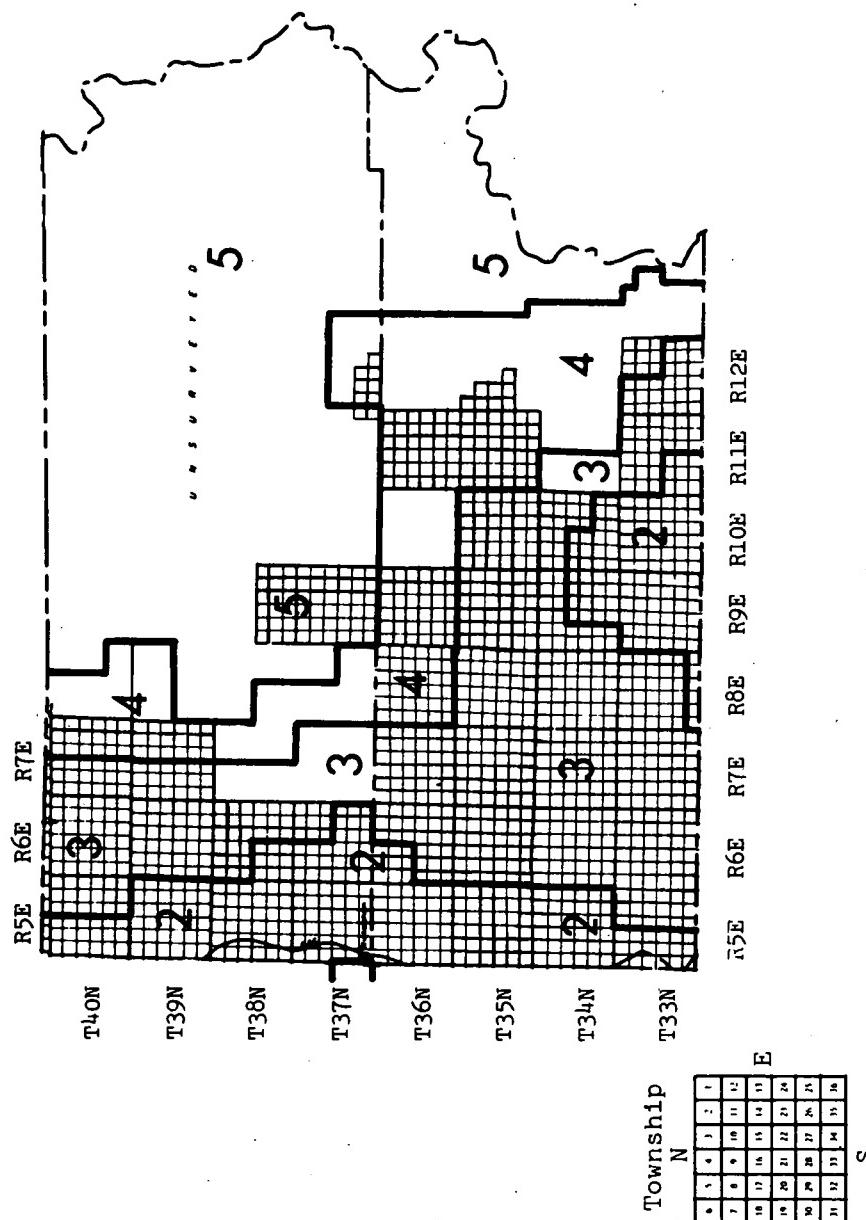
Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/1/82
(WAC 458-40-18672)

STUMPPAGE VALUE AREA 3

Page 2 of 2



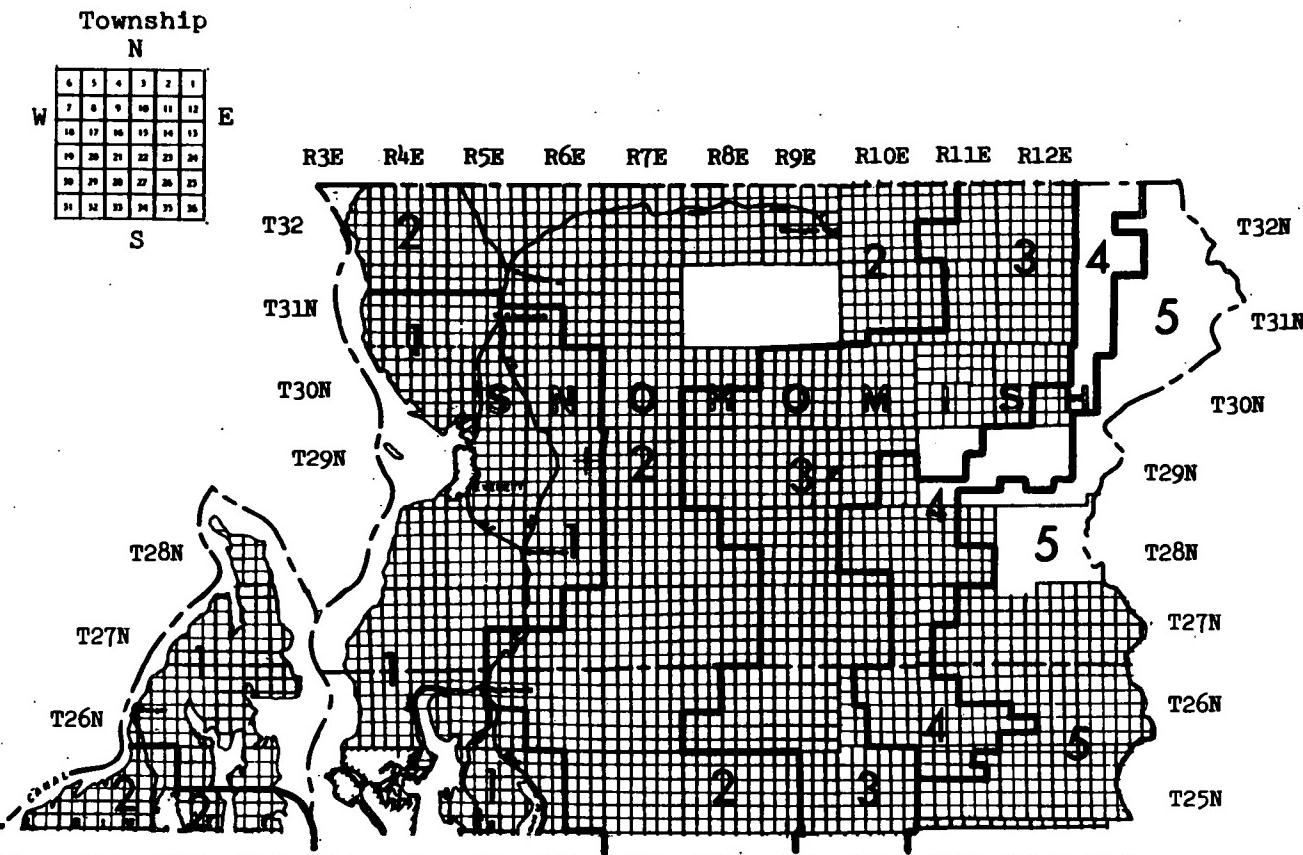
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPPAGE VALUE AREA 4

Page 1 of 3



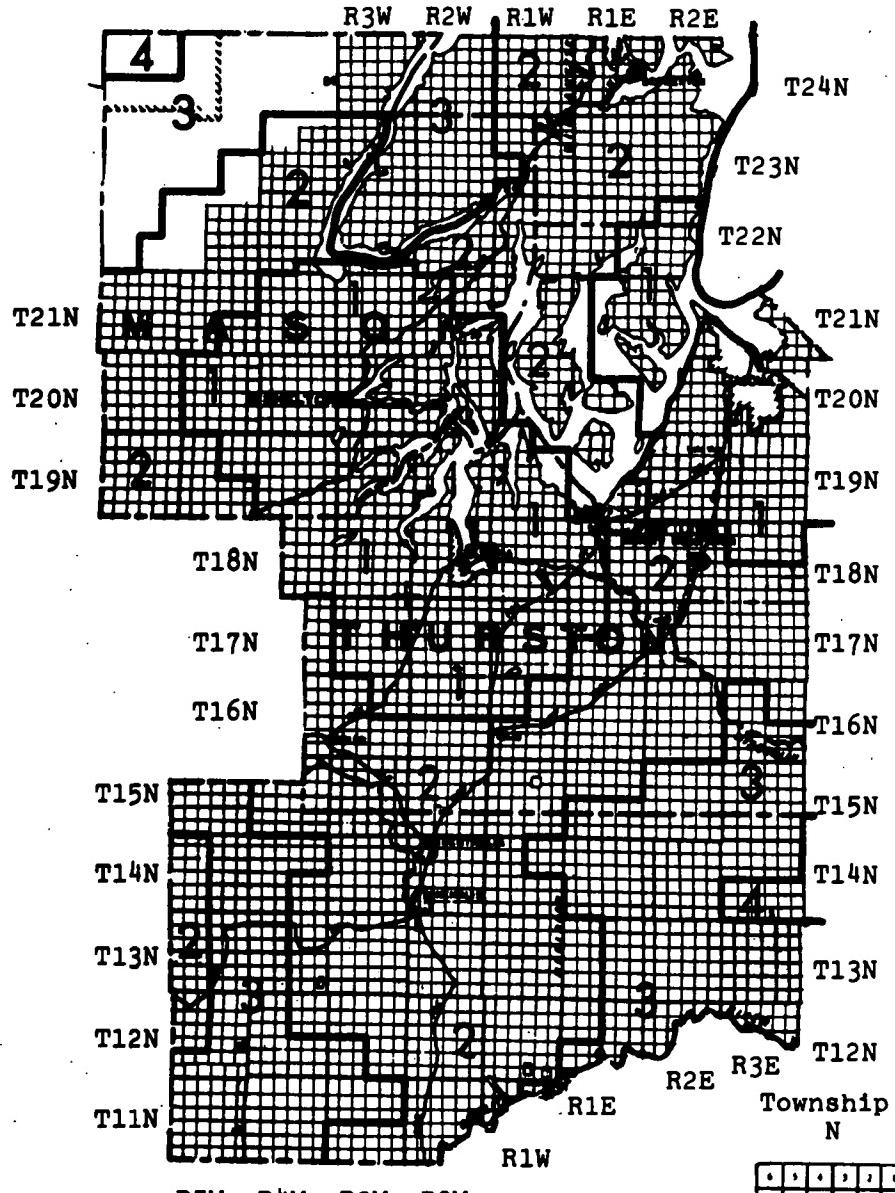
Legend:

1,2,3,4 and 5 : Hauling Distance Zone Numbers

**HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/1/82
(WAC 458-40-18672)**

STUMPAGE VALUE AREA 4

Page 2 of 3



Legend:

1, 2, 3 and 4: Hauling Distance Zone
Numbers

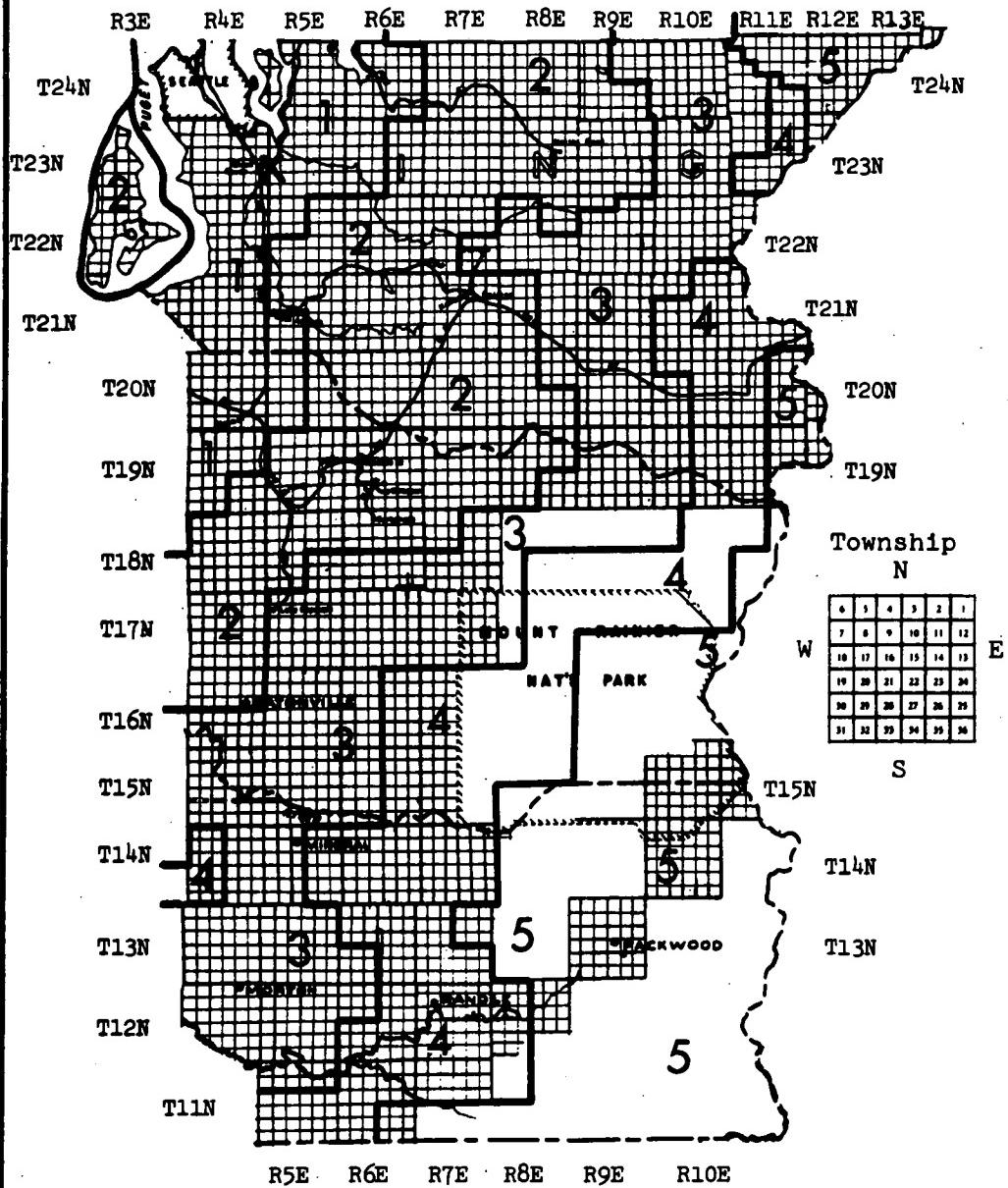
6	5	4	3	2	1
7	8	9	10	11	12
10	11	12	13	14	15
19	20	21	22	23	24
20	21	22	23	24	25
21	22	23	24	25	26

S

HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/1/82
(WAC 458-40-18672)

STUMPAGE VALUE AREA 4

Page 3 of 3



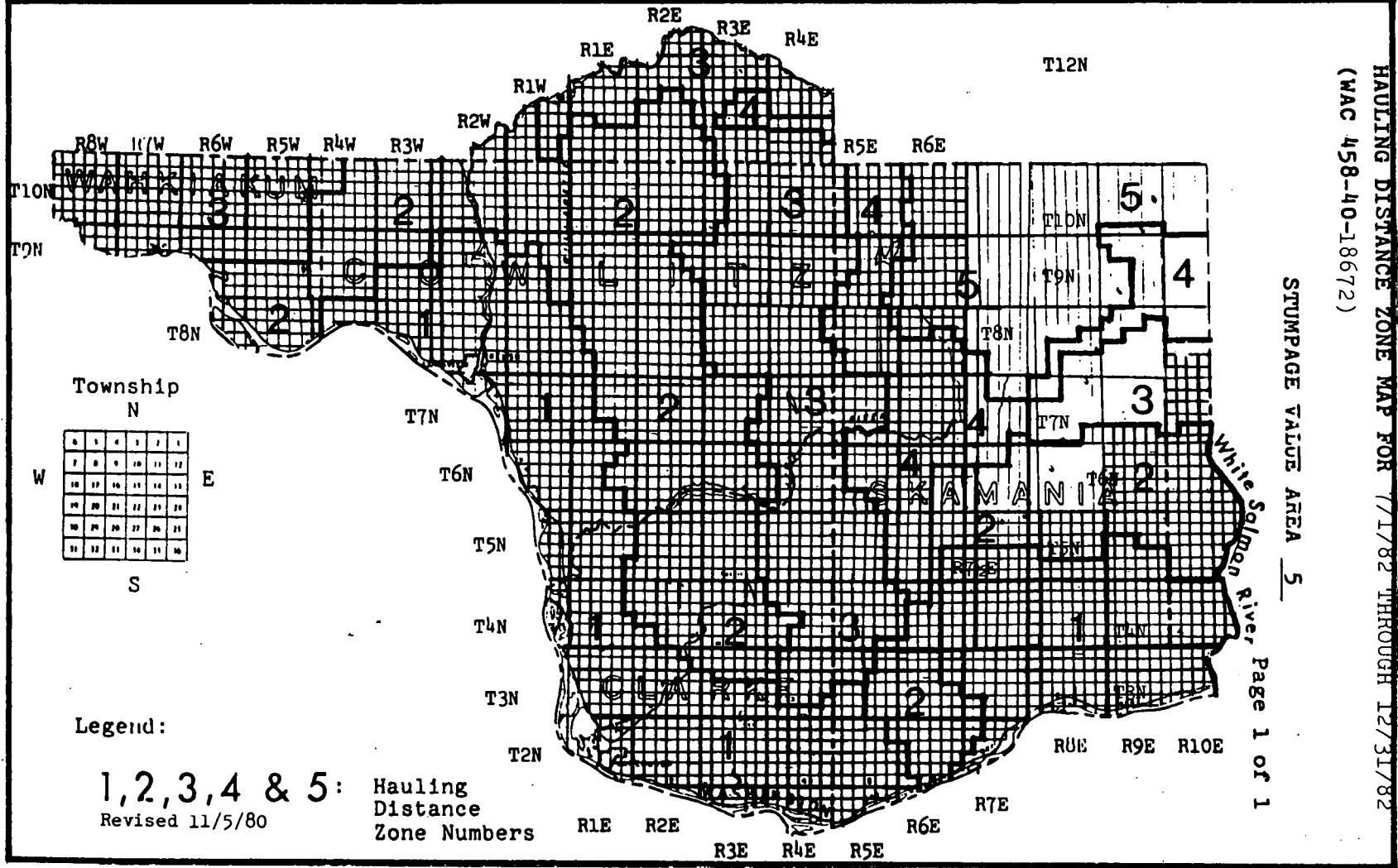
Legend:

1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR
(WAC 458-40-18672)

STUMPAGE VALUE AREA 5

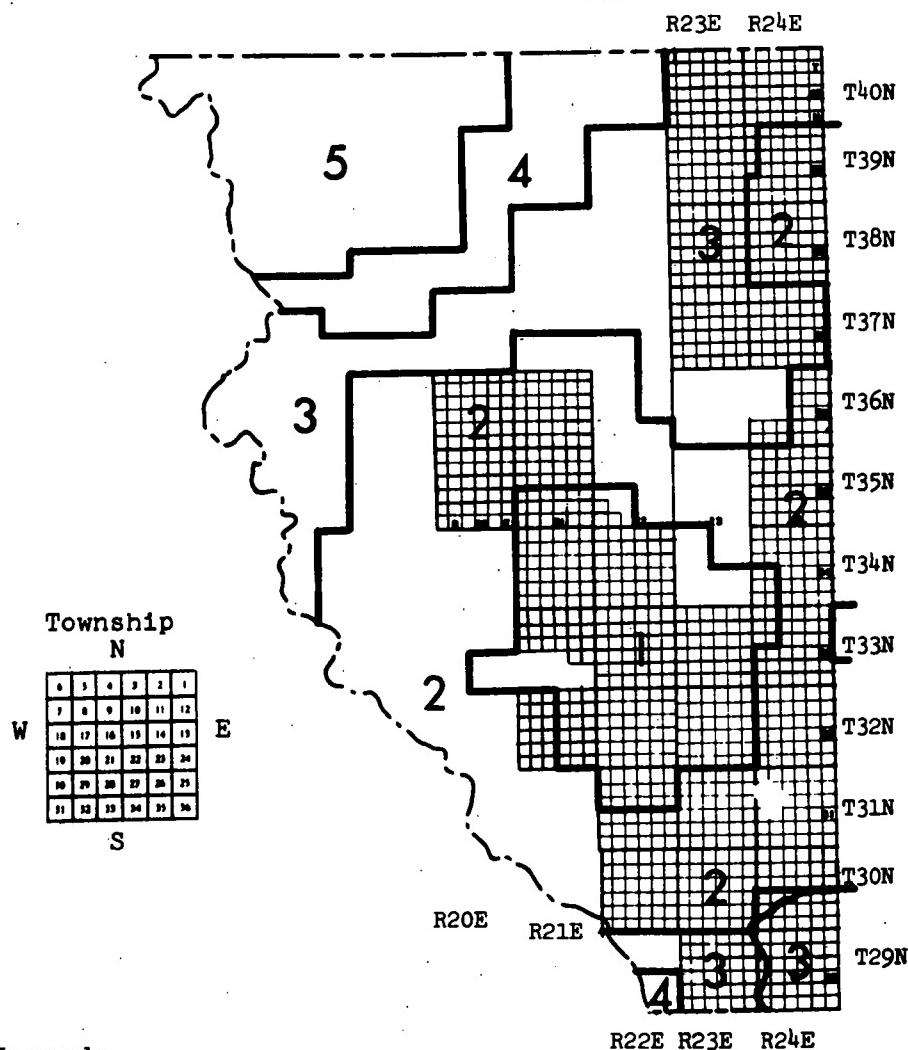
White Salmon River, Page 1 of 1



HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPAGE VALUE AREA 6

Page 1 of 2



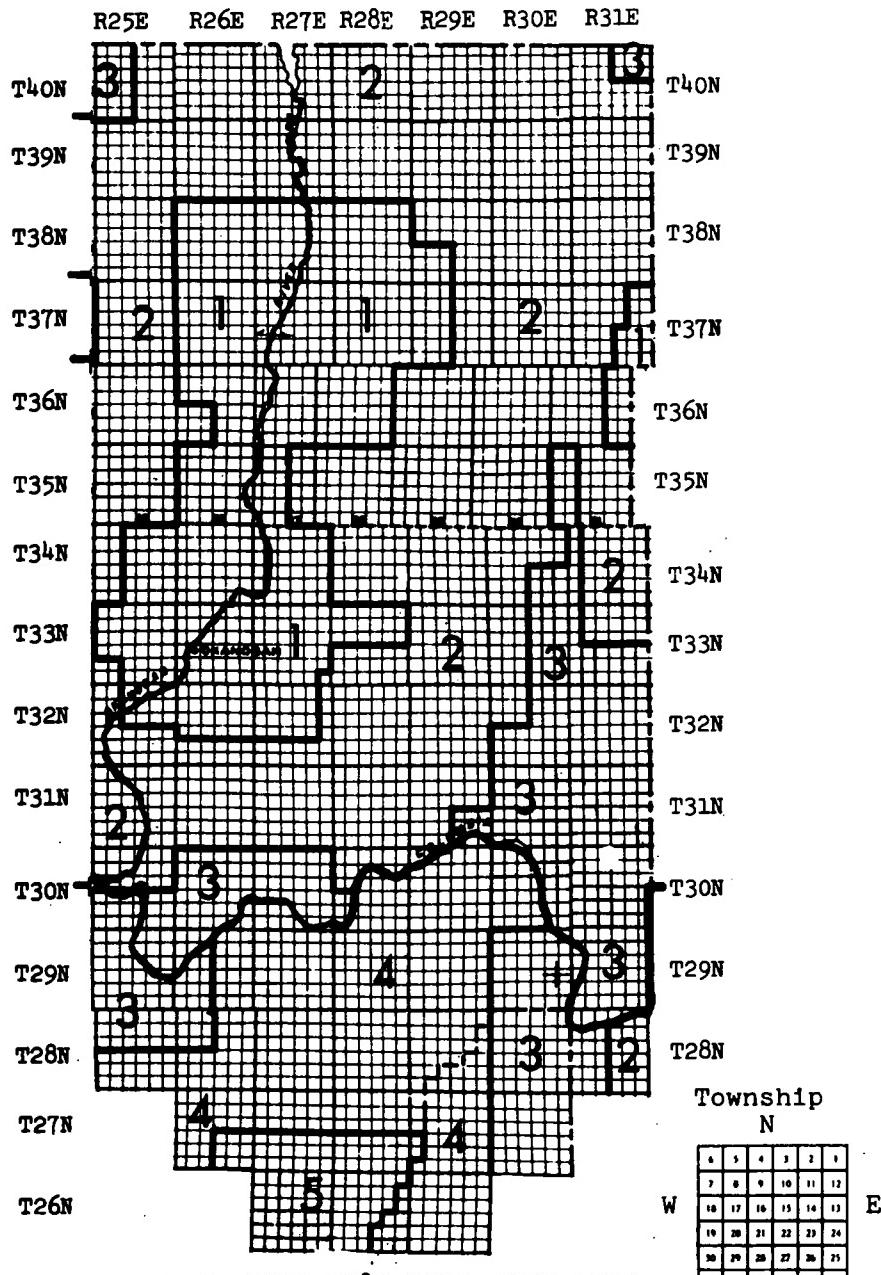
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPPAGE VALUE AREA 6

Page 2 of 2



Legend: R25E R26E R27E R28E R29E R30E R31E

6	5	4	3	2	1
7	8	9	10	11	12
10	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

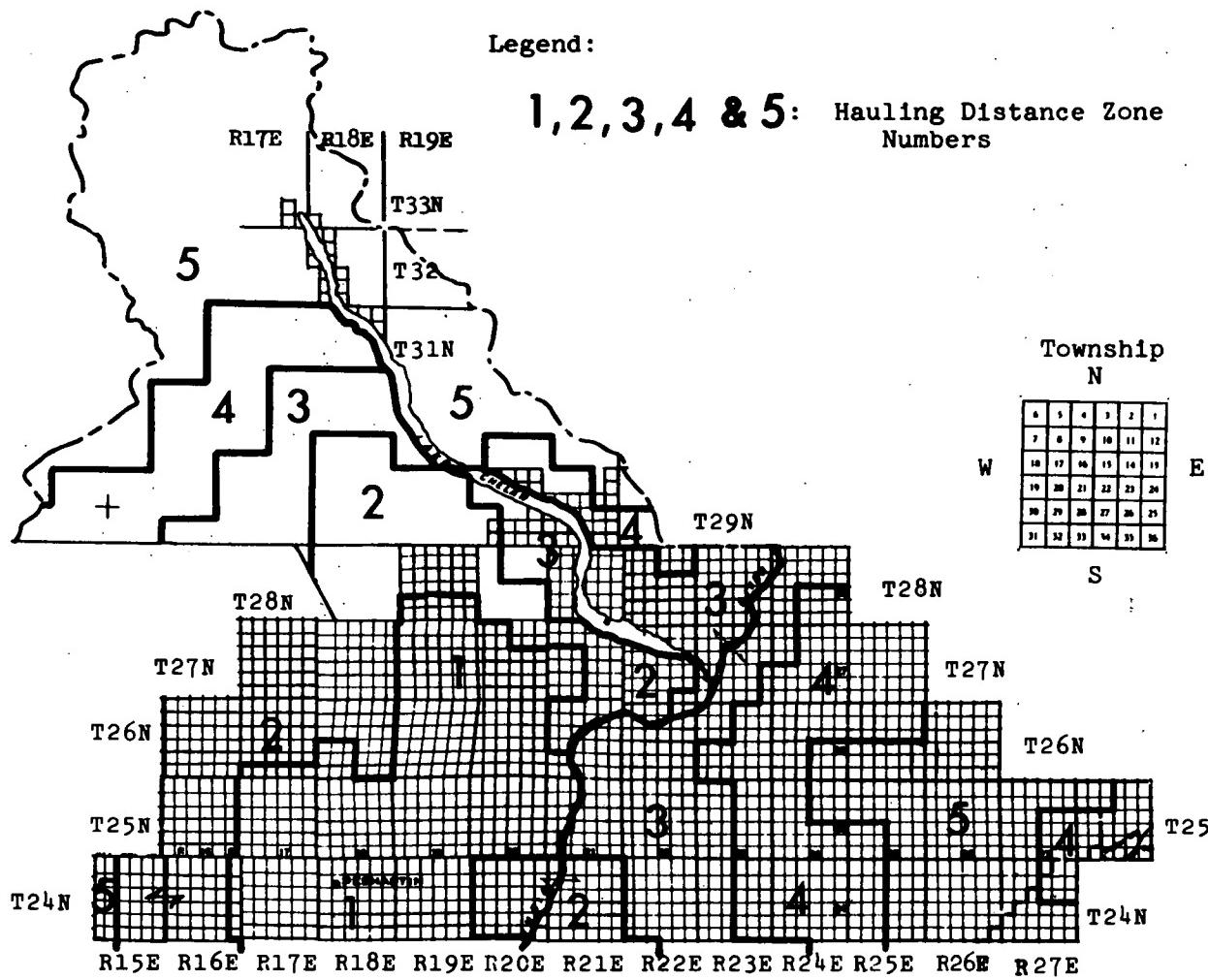
HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

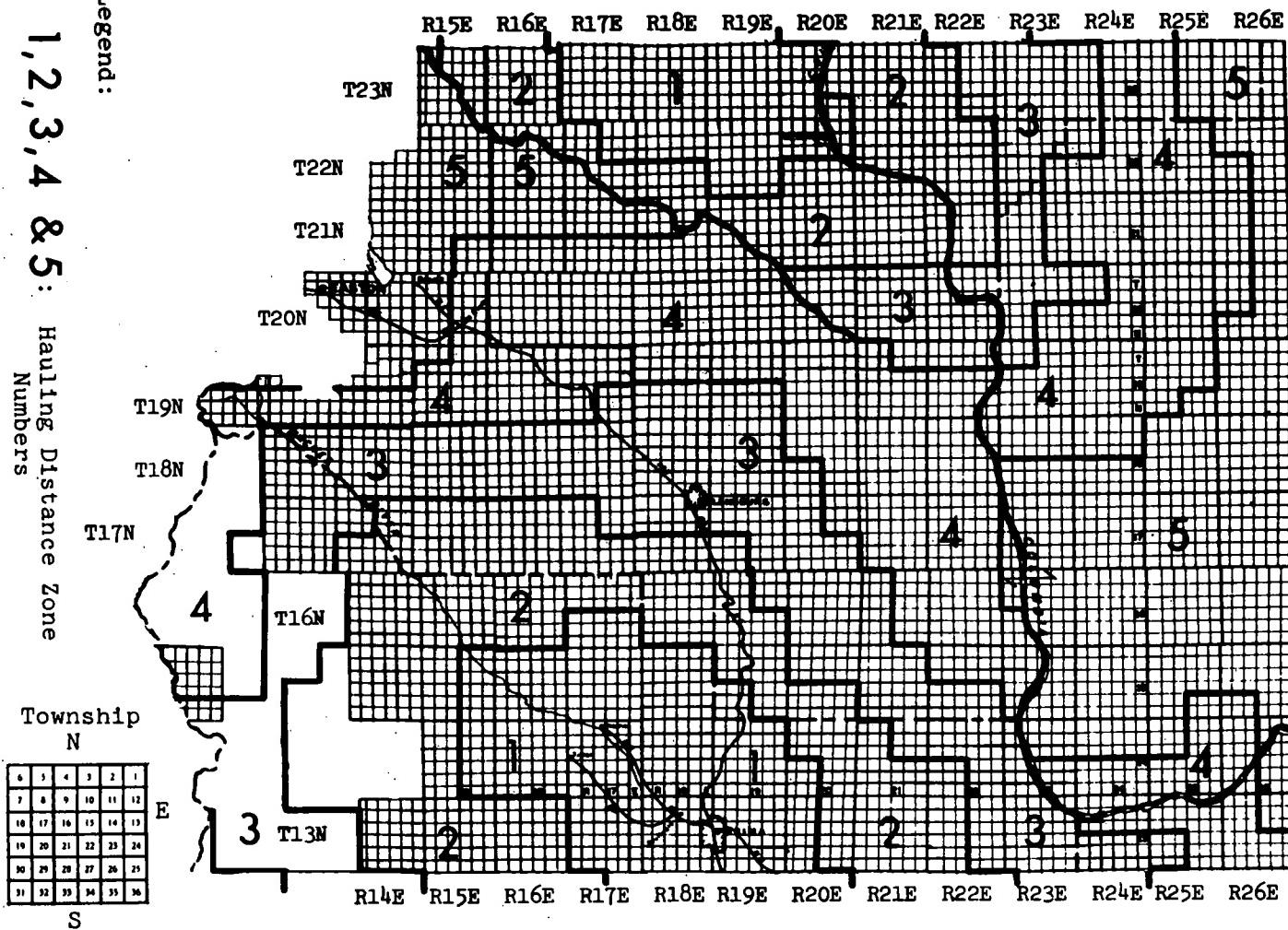
1, 2, 3, 4 & 5: Hauling Distance Zone
Numbers



**HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)**

STUMPPAGE VALUE AREA 7

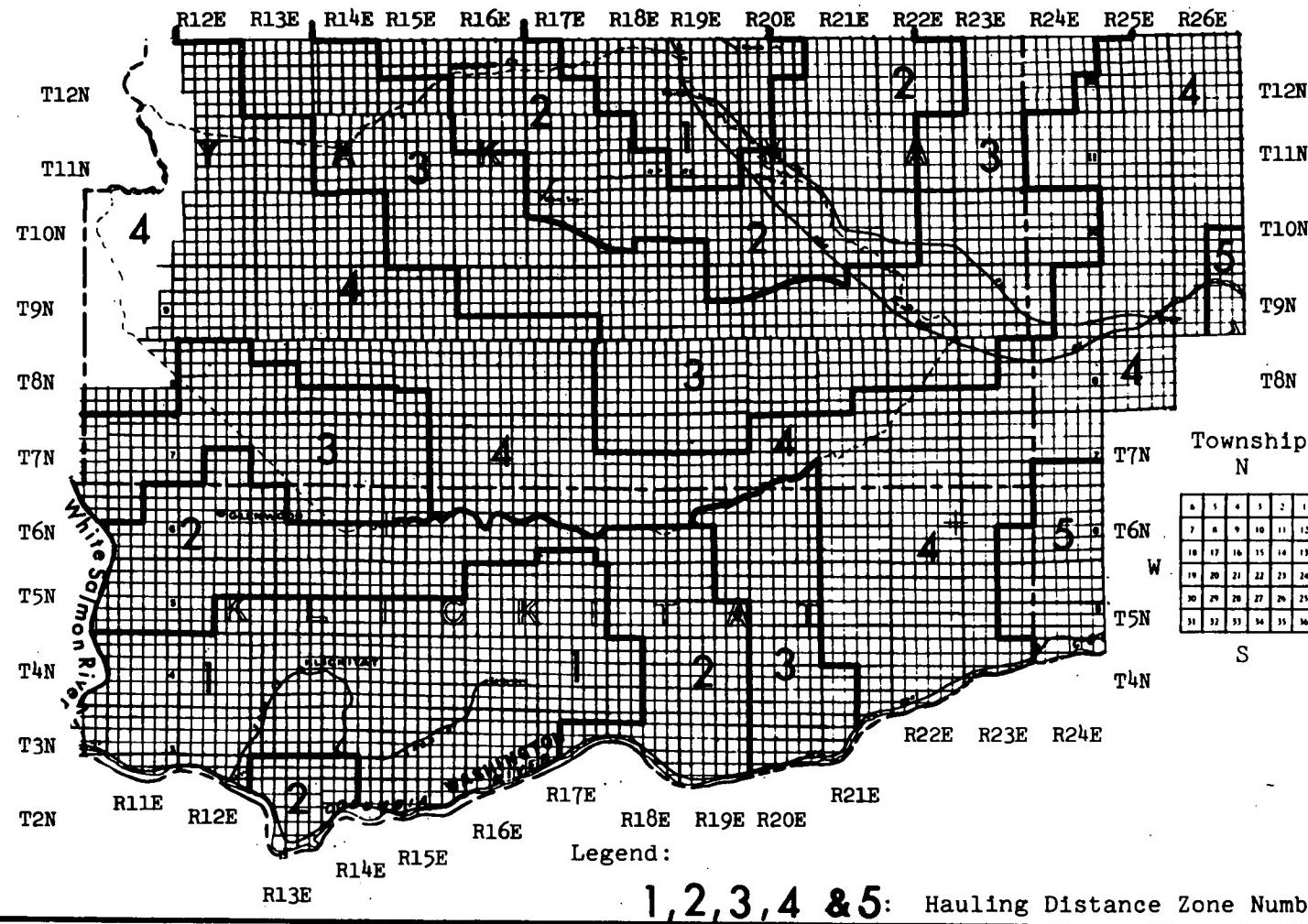
T23N T22N T21N T20N T19N T18N T17N T16N T15N T14N
T23N T22N T21N T20N T19N T18N T17N T16N T15N T14N
Page 2 of 3



**HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)**

STUMPPAGE VALUE AREA 7

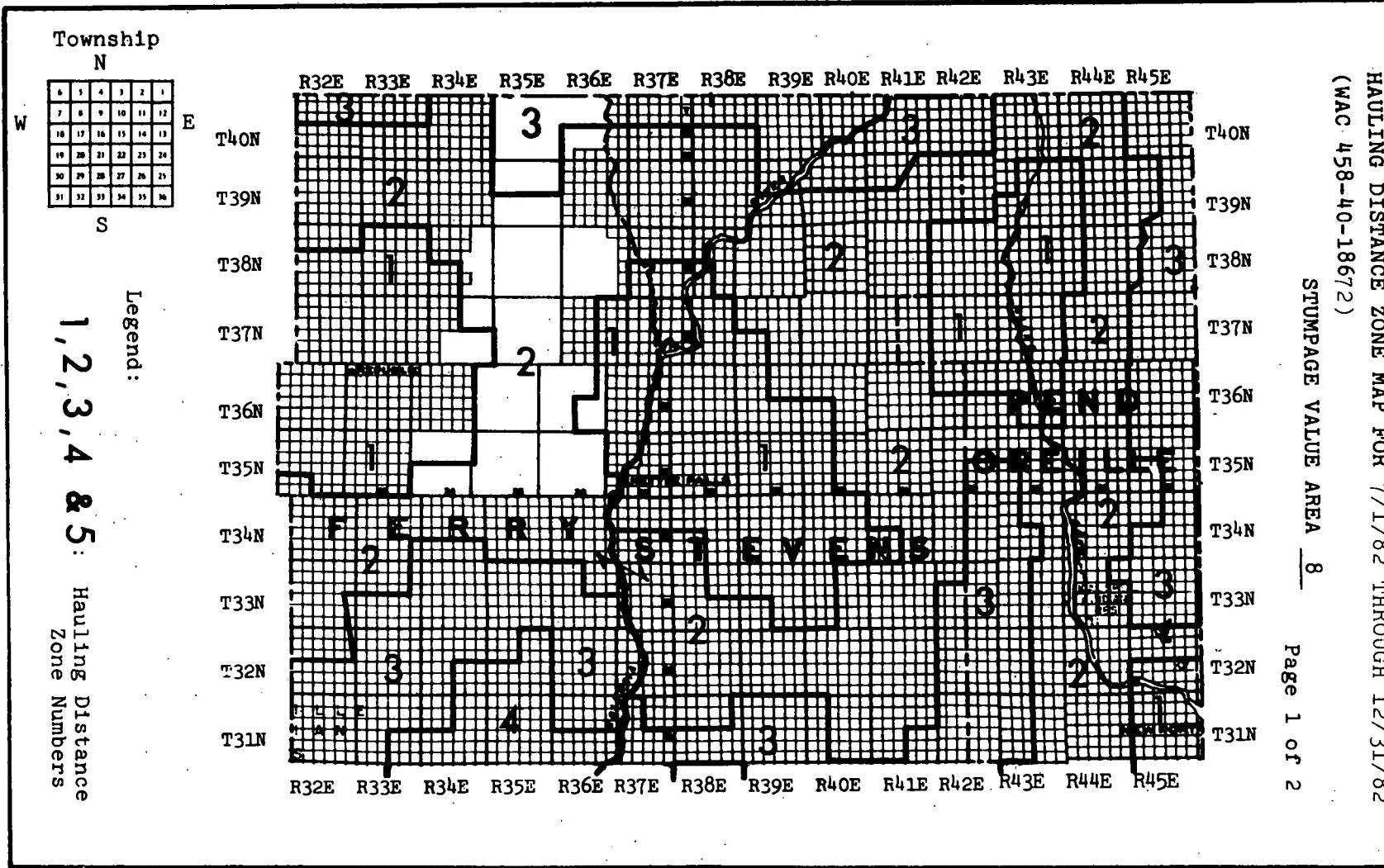
Page 3 of 3



**HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-1867)**

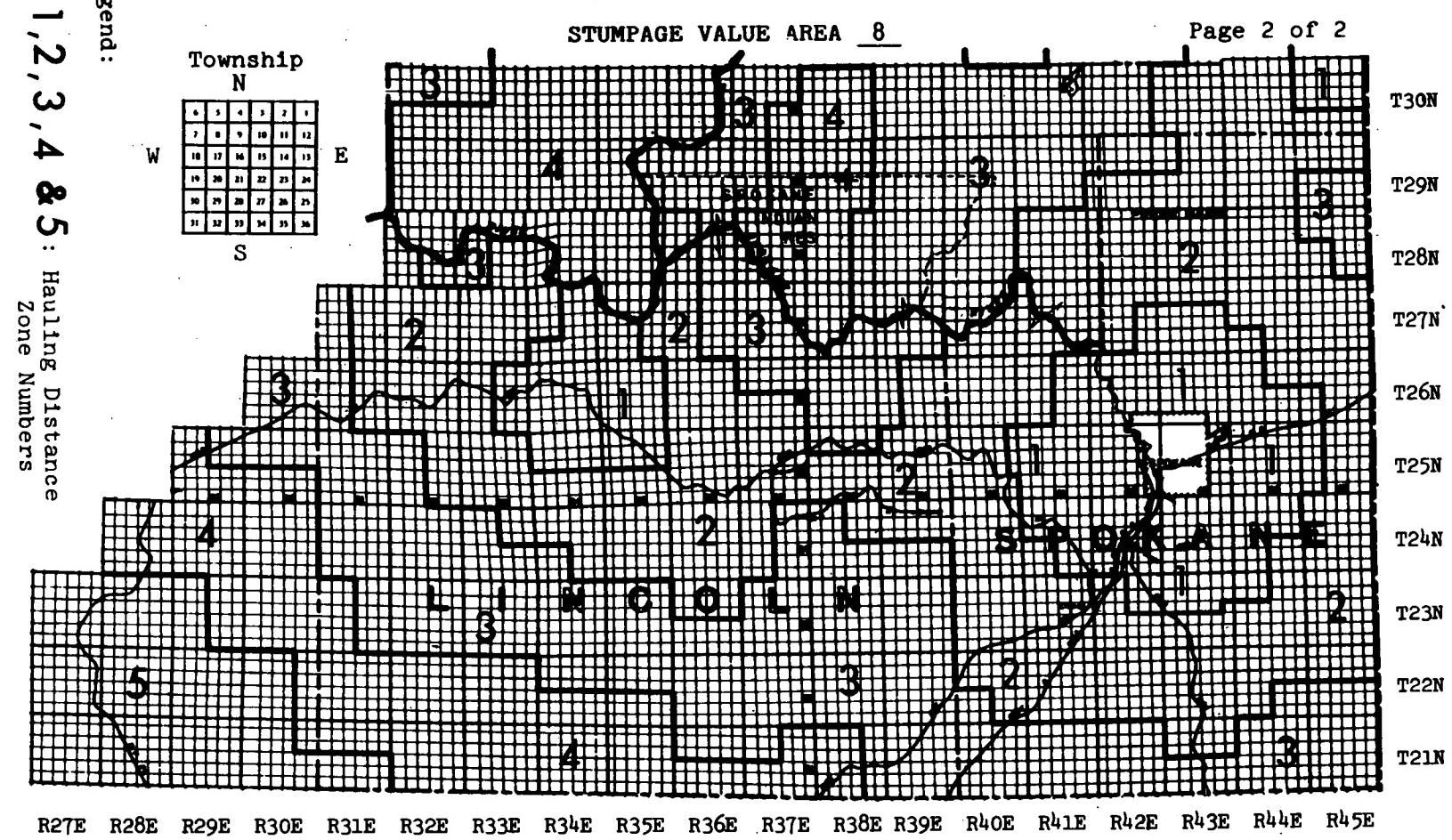
STUMPAGE VALUE AREA 8

Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

Page 2 of 2

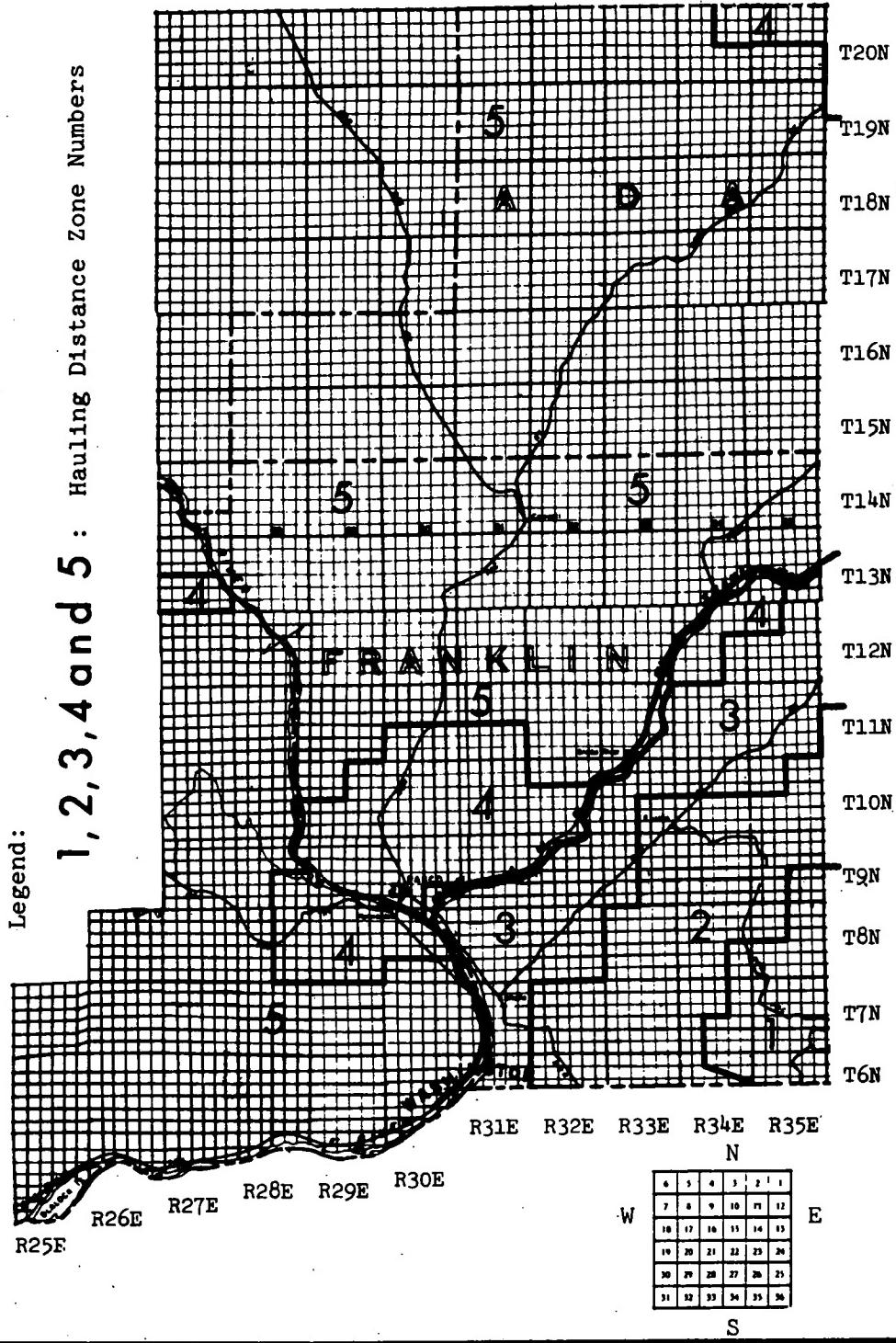


HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPAGE VALUE AREA 9

Page 1 of 2

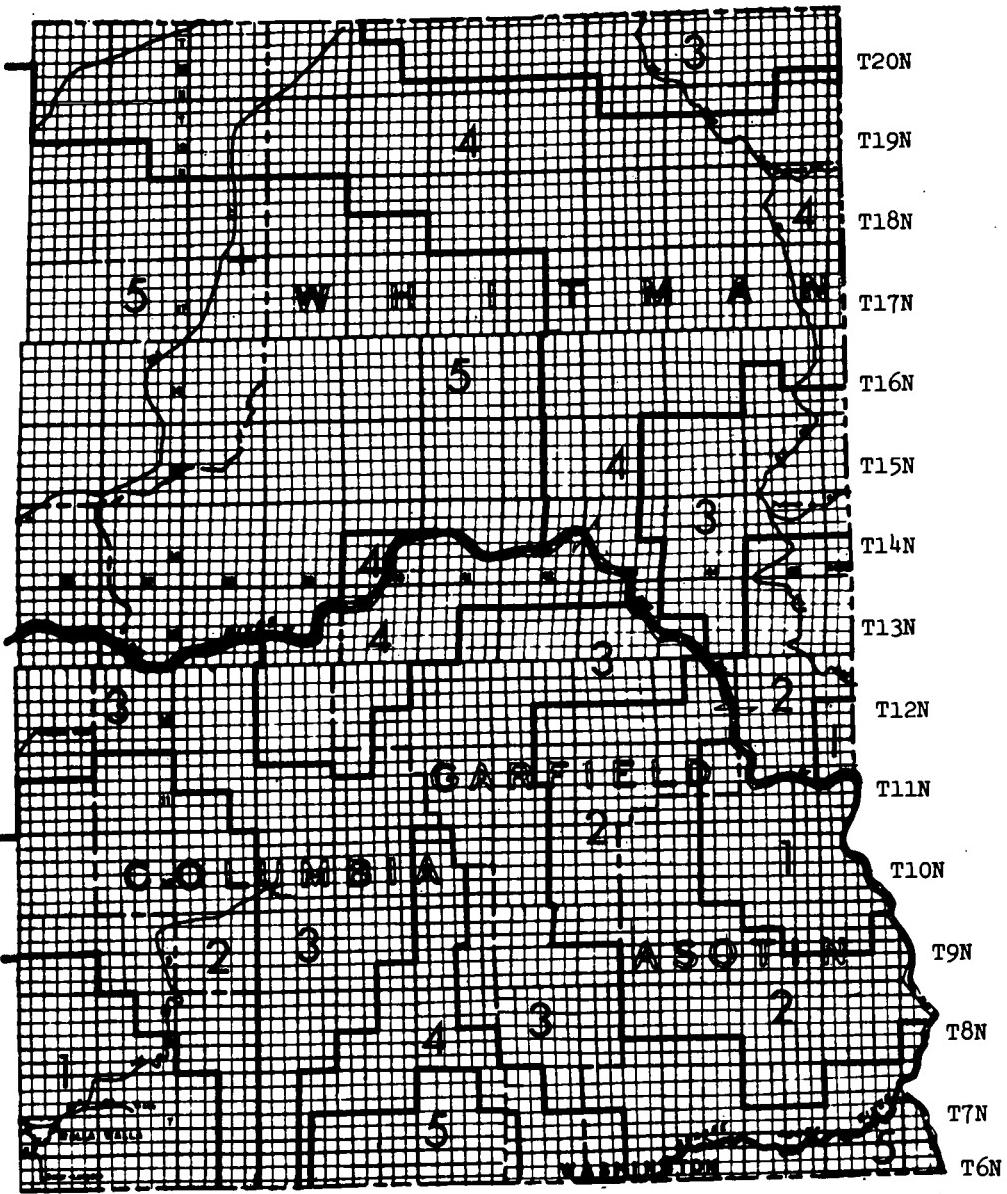
Legend:
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
 (WAC 458-40-18672)

STUMPPAGE VALUE AREA 9

Page 2 of 2



Legend:

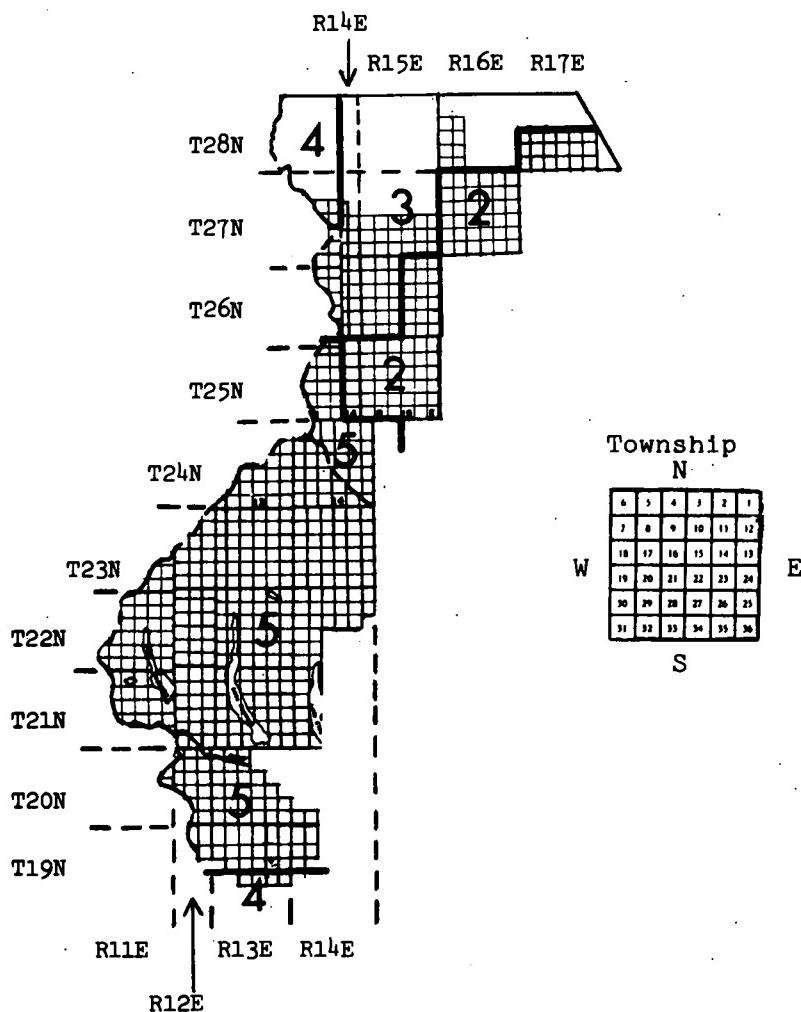
1, 2, 3, 4 and 5 : Hauling Distance
 Zone Numbers

	W	1	2	3	4	5	6		E
N		1	2	3	4	5	6		
		12	11	10	9	8	7		
		13	14	15	16	17	18		
		24	23	22	21	20	19		
		25	26	27	28	29	30		
		36	35	34	33	32	31		

HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-18672)

STUMPAGE VALUE AREA 10

Page 1 of 1

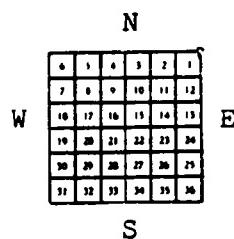
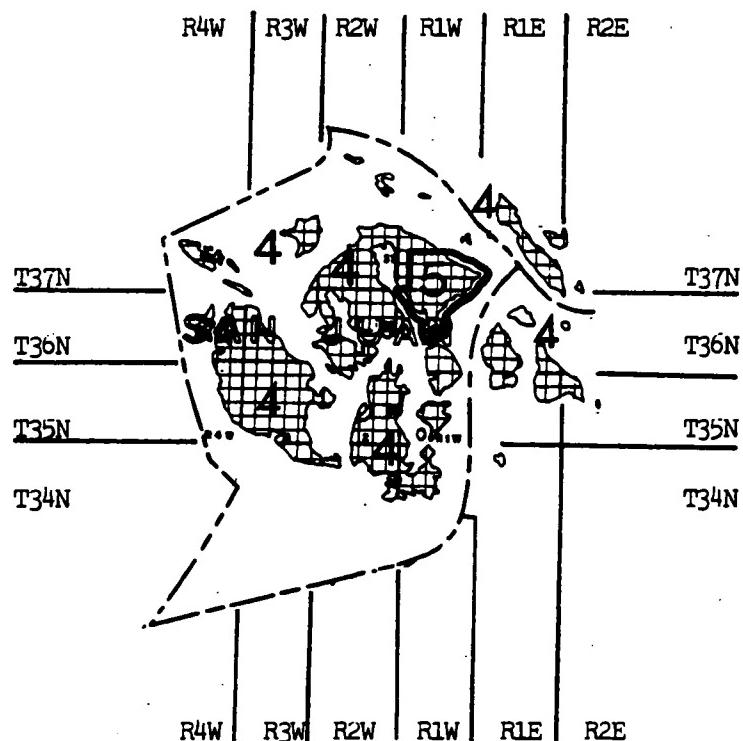


Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/82 THROUGH 12/31/82
(WAC 458-40-186 72)

STUMPAGE VALUE AREA 11
Page 1 of 1



Legend:

4 and 5: Hauling Distance Zone Numbers

NEW SECTION

WAC 458-40-18673 TIMBER QUALITY CODE NUMBERS—TABLES FOR 7/1/82 THROUGH 12/31/82. In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 84.33.071(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18674 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 1, 1982 through December 31, 1982:

TABLE 1—TIMBER QUALITY CODE TABLE STUMPPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1982

**OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas-fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
3	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
5	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹ For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 2—TIMBER QUALITY CODE TABLE STUMPPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1982

**YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
2	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
2	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade

TABLE 2—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
3	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	
		Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹ For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 3—TIMBER QUALITY CODE TABLE
STUMPPAGE VALUES AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1982

THINNING

See definition WAC 458-40-18670(9)(d)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades

TABLE 3—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer	
		Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹ For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 11 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas-fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF

<u>Log Grade</u>	<u>Net Volume, Scribner Scale</u>
------------------	---------------------------------------

TOTAL 150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas-fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas-fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas-fir harvested would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Net Volume Harvested</u>
Douglas-fir	2	150 MBF

**TABLE 4—TIMBER QUALITY CODE TABLE
STUMPPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1982
MERCHANTABLE SAWTIMBER, ALL AGES**

<u>Timber Quality Code Number</u>	<u>Species</u>	<u>Log Grade Specifications¹</u>
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Areas 6, 7, 8 and 9 for Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total

length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 1 to 9 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Volume Harvested</u>
Ponderosa Pine (PP)	1	150 MBF

**TABLE 5—TIMBER QUALITY CODE TABLE
STUMPPAGE VALUE AREA 10
July 1 through December 31, 1982
MERCHANTABLE SAWTIMBER, ALL AGES**

<u>Timber Quality Code Number</u>	<u>Species</u>	<u>Log Grade Specifications¹</u>
	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
1	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species,

Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Volume Harvested</u>
Ponderosa Pine (PP)	2	150 MBF

NEW SECTION

WAC 458-40-18674 STUMPPAGE VALUES—TABLES FOR 7/1/82 THROUGH 12/31/82. As required by RCW 84.33.071 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1982 through December 31, 1982.

**TABLE 1—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 1
July 1 through December 31, 1982
OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

<u>Species Name</u>	<u>Species Code</u>	<u>Timber Quality Code Number</u>	<u>Hauling Distance Zone Number</u>				
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Douglas-fir	DF	1	\$245	\$239	\$233	\$227	\$221
		2	233	227	221	215	209
		3	217	211	205	199	193

**TABLE 1—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale**

<u>Species Name</u>	<u>Species Code</u>	<u>Timber Quality Code Number</u>	<u>Hauling Distance Zone Number</u>				
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Western Hemlock ¹	WH	1	209	203	197	191	185
		2	181	175	169	163	157
		3	162	156	150	144	138
True Fir ²	TF	1	209	203	197	191	185
		2	181	175	169	163	157
		3	162	156	150	144	138
Western Redcedar ³	RC	1	257	251	245	239	233
		2	213	207	201	195	189
		3	203	197	191	185	179
Sitka Spruce	SS	1	222	216	210	204	198
		2	219	213	207	201	195
		3	215	209	203	197	191
Other Conifer	OC	1	209	203	197	191	185
		2	181	175	169	163	157
		3	162	156	150	144	138
Red Alder	RA	1	50	43	36	29	22
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³Includes Alaska-cedar.

**TABLE 2—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 1
July 1 through December 31, 1982.**

**YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale**

<u>Species Name</u>	<u>Species Code</u>	<u>Timber Quality Code Number</u>	<u>Hauling Distance Zone Number</u>				
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Douglas-fir	DF	1	\$295	\$288	\$281	\$274	\$267
		2	236	229	222	215	208
		3	144	137	130	123	116
		4	113	106	99	92	85
Western Hemlock ¹	WH	1	150	143	136	129	122
		2	141	134	127	120	113
		3	124	117	110	103	96
		4	70	63	56	49	42
True Fir ²	TF	1	150	143	136	129	122
		2	141	134	127	120	113
		3	124	117	110	103	96
		4	70	63	56	49	42
Western Redcedar ³	RC	1	249	242	235	228	221
		2	212	205	198	191	184
		3	190	183	176	169	162
Other Conifer	OC	1	150	143	136	129	122
		2	141	134	127	120	113
		3	124	117	110	103	96
		4	70	63	56	49	42
Red Alder	RA	1	50	43	36	29	22
Cottonwood	BC	1	34	27	20	13	6

TABLE 2—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1982

THINNING

See definition WAC 458-40-18670(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$270	\$263	\$256	\$249	\$242
		2	211	204	197	190	183
		3	119	112	105	98	91
		4	88	81	74	67	60
Western Hemlock ¹	WH	1	125	118	111	104	97
		2	116	109	102	95	88
		3	99	92	85	78	71
		4	45	38	31	24	17
True Fir ²	TF	1	125	118	111	104	97
		2	116	109	102	95	88
		3	99	92	85	78	71
		4	45	38	31	24	17
Western Redcedar ³	RC	1	224	217	210	203	196
		2	187	180	173	166	159
		3	165	158	151	144	137
Other Conifer	OC	1	125	118	111	104	97
		2	116	109	102	95	88
		3	99	92	85	78	71
		4	45	38	31	24	17
Red Alder	RA	1	50	43	36	29	22
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1982
SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards	RCS	1	\$95	\$89	\$83	\$77	\$71
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	40	34	28	22	16
Western Redcedar & Other Posts ¹	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ²	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage Value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1982

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$293	\$287	\$281	\$275	\$269
		2	216	210	204	198	192
		3	192	186	180	174	168
Western Hemlock ¹	WH	1	235	229	223	217	211
		2	190	184	178	172	166
		3	179	173	167	161	155
True Fir ²	TF	1	235	229	223	217	211
		2	190	184	178	172	166
		3	179	173	167	161	155
Western Redcedar ³	RC	1	229	223	217	211	205
		2	217	211	205	199	193
		3	198	192	186	180	174
Sitka Spruce	SS	1	222	216	210	204	198
		2	219	213	207	201	195
		3	215	209	203	197	191
Other Conifer	OC	1	222	216	210	204	198
		2	190	184	178	172	166
		3	179	173	167	161	155
Red Alder	RA	1	34	27	20	13	6
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 5—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1982

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$235	\$228	\$221	\$214	\$207
		2	204	197	190	183	176
		3	183	176	169	162	155
		4	102	95	88	81	74
Western Hemlock ¹	WH	1	143	136	129	122	115
		2	142	135	128	121	114
		3	102	95	88	81	74
		4	80	73	66	59	52
True Fir ²	TF	1	143	136	129	122	115
		2	142	135	128	121	114
		3	102	95	88	81	74
		4	80	73	66	59	52
Western Redcedar ³	RC	1	245	238	231	224	217
		2	183	176	169	162	155
		3	153	146	139	132	125
Other Conifer	OC	1	143	136	129	122	115
		2	142	135	128	121	114
		3	102	95	88	81	74
		4	80	73	66	59	52
Red Alder	RA	1	34	27	20	13	6
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1982

THINNING

See definition WAC 458-40-18670(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$210	\$203	\$196	\$189	\$182
		2	179	172	165	158	151
		3	158	151	144	137	130
		4	77	70	63	56	49
Western Hemlock ¹	WH	1	118	111	104	97	90
		2	117	110	103	96	89
		3	77	70	63	56	49
		4	55	48	41	34	27
True Fir ²	TF	1	118	111	104	97	90
		2	117	110	103	96	89
		3	77	70	63	56	49
		4	55	48	41	34	27
Western Redcedar ³	RC	1	220	213	206	199	192
		2	158	151	144	137	130
		3	128	121	114	107	100
Other Conifer	OC	1	118	111	104	97	90
		2	117	110	103	96	89
		3	77	70	63	56	49
		4	55	48	41	34	27
Red Alder	RA	1	34	27	20	13	6
Cottonwood	BC	1	25	18	11	.4	1
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1982

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$164	\$158	\$152	\$146	\$140
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	63	57	51	45	39
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15

TABLE 8—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir & Other Christmas Trees ¹	TFX	1	0.35	0.35	0.35	0.35	0.35
		2					
		3					
		4					
		5					

¹Stumpage Value per MBF net Scribner Scale.²Stumpage Value per 8 lineal feet or portion thereof.³Stumpage Value per lineal foot.

TABLE 9—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 3
July 1 through December 31, 1982
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$289	\$283	\$277	\$271	\$265
		2	247	241	235	229	223
		3	205	199	193	187	181
Western Hemlock ¹	WH	1	201	195	189	183	177
		2	168	162	156	150	144
		3	153	147	141	135	129
True Fir ²	TF	1	201	195	189	183	177
		2	168	162	156	150	144
		3	153	147	141	135	129
Western Redcedar	RC	1	266	260	254	248	242
		2	235	229	223	217	211
		3	181	175	169	163	157
Sitka Spruce	SS	1	222	216	210	204	198
		2	219	213	207	201	195
		3	215	209	203	197	191
Alaska-cedar	YC	1	1473	1467	1461	1455	1449
		2	1064	1058	1052	1046	1040
		3	654	648	642	636	630
Other Conifer	OC	1	201	195	189	183	177
		2	168	162	156	150	144
		3	153	147	141	135	129
Red Alder	RA	1	43	36	29	22	15
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	17	17	17	17	17

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 10—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 3
July 1 through December 31, 1982

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$283	\$276	\$269	\$262	\$255
		2	249	242	235	228	221
		3	174	167	160	153	146
		4	114	107	100	93	86
Western Hemlock ¹	WH	1	169	162	155	148	141
		2	163	156	149	142	135
		3	105	98	91	84	77
		4	102	95	88	81	74
True Fir ²	TF	1	169	162	155	148	141
		2	163	156	149	142	135
		3	105	98	91	84	77
		4	102	95	88	81	74
Western Redcedar ³	RC	1	238	231	224	217	210
		2	213	206	199	192	185
		3	169	162	155	148	141
Other Conifer	OC	1	169	162	155	148	141
		2	163	156	149	142	135
		3	105	98	91	84	77
		4	102	95	88	81	74
Red Alder	RA	1	43	36	29	22	15
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	17	17	17	17	17

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 11—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 3
July 1 through December 31, 1982

THINNING
See definition WAC 458-40-18670(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$258	\$251	\$244	\$237	\$230
		2	224	217	210	203	196
		3	149	142	135	128	121
		4	89	82	75	68	61
Western Hemlock ¹	WH	1	144	137	130	123	116
		2	138	131	124	117	110
		3	80	73	66	59	52
		4	77	70	63	56	49
True Fir ²	TF	1	144	137	130	123	116
		2	138	131	124	117	110
		3	80	73	66	59	52
		4	77	70	63	56	49

TABLE 11—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	213	206	199	192	185
		2	188	181	174	167	160
		3	144	137	130	123	116
Other Conifer	OC	1	144	137	130	123	116
		2	138	131	124	117	110
		3	80	73	66	59	52
		4	77	70	63	56	49
Red Alder	RA	1	43	36	29	22	15
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	17	17	17	17	17

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1982
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit							
Species Name and Product	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$187	\$181	\$175	\$169	\$163
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	70	64	58	52	46
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.²Stumpage Value per 8 lineal feet or portion thereof.³Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE

STUMPAGE VALUE AREA 4

July 1 through December 31, 1982

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$320	\$314	\$308	\$302	\$296
		2	260	254	248	242	236
		3	227	221	215	209	203
Western Hemlock ¹	WH	1	278	272	266	260	254
		2	227	221	215	209	203
		3	216	210	204	198	192
True Fir ²	TF	1	278	272	266	260	254
		2	227	221	215	209	203
		3	216	210	204	198	192
Western Redcedar	RC	1	204	198	192	186	180
		2	203	197	191	185	179
		3	183	177	171	165	159
Sitka Spruce	SS	1	222	216	210	204	198
		2	219	213	207	201	195
		3	215	209	203	197	191
Noble Fir	NF	1	1012	1006	1000	994	988
		2	672	666	660	654	648
		3	312	306	300	294	288
Alaska-cedar	YC	1	1473	1467	1461	1455	1449
		2	1064	1058	1052	1046	1040
		3	654	648	642	636	630
Other Conifer	OC	1	204	198	192	186	180
		2	203	197	191	185	179
		3	183	177	171	165	159
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	16	16	16	16	16

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 14—STUMPAGE VALUE TABLE

STUMPAGE VALUE AREA 4

July 1 through December 31, 1982

YOUNG GROWTH FINAL HARVEST

(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$282	\$275	\$268	\$261	\$254
		2	252	245	238	231	224
		3	178	171	164	157	150
		4	122	115	108	101	94
Western Hemlock ¹	WH	1	172	165	158	151	144
		2	168	161	154	147	140
		3	136	129	122	115	108
		4	114	107	100	93	86

TABLE 14—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ²	TF	1	172	165	158	151	144
		2	168	161	154	147	140
		3	136	129	122	115	108
		4	114	107	100	93	86
Western Redcedar ³	RC	1	204	197	190	183	176
		2	175	168	161	154	147
		3	146	139	132	125	118
Other Conifer	OC	1	172	165	158	151	144
		2	168	161	154	147	140
		3	136	129	122	115	108
		4	114	107	100	93	86
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	16	16	16	16	16

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4

July 1 through December 31, 1982

THINNING

See definition WAC 458-40-18670(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$257	\$250	\$243	\$236	\$229
		2	227	220	213	206	199
		3	153	146	139	132	125
		4	97	90	83	76	69
Western Hemlock ¹	WH	1	147	140	133	126	119
		2	143	136	129	122	115
		3	111	104	97	90	83
		4	89	82	75	68	61
True Fir ²	TF	1	147	140	133	126	119
		2	143	136	129	122	115
		3	111	104	97	90	83
		4	89	82	75	68	61
Western Redcedar ³	RC	1	179	172	165	158	151
		2	150	143	136	129	122
		3	121	114	107	100	93
Other Conifer	OC	1	147	140	133	126	119
		2	143	136	129	122	115
		3	111	104	97	90	83
		4	89	82	75	68	61
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 15—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	16	16	16	16	16

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1982

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$193	\$187	\$181	\$175	\$169
Western Redcedar Flat-sawn & Shingle Blocks ¹	RCF	1	73	67	61	55	49
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.²Stumpage value per 8 lineal feet or portion thereof.³Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1982

**OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$305	\$299	\$293	\$287	\$281
		2	259	253	247	241	235
		3	224	218	212	206	200
Western Hemlock ¹	WH	1	251	245	239	233	227
		2	212	206	200	194	188
		3	205	199	193	187	181
True Fir ²	TF	1	251	245	239	233	227
		2	212	206	200	194	188
		3	205	199	193	187	181
Western Redcedar ³	RC	1	239	233	227	221	215
		2	232	226	220	214	208
		3	131	125	119	113	107

TABLE 17—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Sitka Spruce	SS	1	222	216	210	204	198
		2	219	213	207	201	195
		3	215	209	203	197	191
Noble Fir	NF	1	1012	1006	1000	994	988
		2	672	666	660	654	648
		3	312	306	300	294	288
Other Conifer	OC	1	222	216	210	204	198
		2	212	206	200	194	188
		3	131	125	119	113	107
Red Alder	RA	1	44	37	30	23	16
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.TABLE 18—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 5
July 1 through December 31, 1982YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$278	\$271	\$264	\$257	\$250
		2	248	241	234	227	220
		3	167	160	153	146	139
		4	109	102	95	88	81
Western Hemlock ¹	WH	1	111	104	97	90	83
		2	93	86	79	72	65
		3	75	68	61	54	47
		4	72	65	58	51	44
True Fir ²	TF	1	111	104	97	90	83
		2	93	86	79	72	65
		3	75	68	61	54	47
		4	72	65	58	51	44
Western Redcedar ³	RC	1	183	176	169	162	155
		2	139	132	125	118	111
		3	124	117	110	103	96
Other Conifer	OC	1	111	104	97	90	83
		2	93	86	79	72	65
		3	75	68	61	54	47
		4	72	65	58	51	44
Red Alder	RA	1	44	37	30	23	16

TABLE 18—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 19—STUMPPAGE VALUE TABLE

STUMPPAGE VALUE AREA 5

July 1 through December 31, 1982

THINNING

See definition WAC 458-40-18670(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$253	\$246	\$239	\$232	\$225
		2	223	216	209	202	195
		3	142	135	128	121	114
		4	84	77	70	63	56
Western Hemlock ¹	WH	1	86	79	72	65	58
		2	68	61	54	47	40
		3	50	43	36	29	22
		4	47	40	33	26	19
True Fir ²	TF	1	86	79	72	65	58
		2	68	61	54	47	40
		3	50	43	36	29	22
		4	47	40	33	26	19
Western Redcedar ³	RC	1	158	151	144	137	130
		2	114	107	100	93	86
		3	99	92	85	78	71
Other Conifer	OC	1	86	79	72	65	58
		2	68	61	54	47	40
		3	50	43	36	29	22
		4	47	40	33	26	19
Red Alder	RA	1	44	37	30	23	16
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

**TABLE 20—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 5
July 1 through December 31, 1982
SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$92	\$86	\$80	\$74	\$68
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	39	33	27	21	15
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.²Stumpage Value per 8 lineal feet or portion thereof.³Stumpage value per lineal foot.

**TABLE 21—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1982**

MERCHANTABLE SAWTIMBER, ALL AGES

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$199	\$193	\$187	\$181	\$175
		2	92	86	80	74	68
Douglas-fir	DF	1	120	114	108	102	96
Western Larch	WL	1	120	114	108	102	96
Western Hemlock ¹	WH	1	118	112	106	100	94
True fir ²	TF	1	118	112	106	100	94
Engelmann Spruce	ES	1	59	53	47	41	35
Western White Pine	WP	1	114	108	102	96	90
Western Redcedar	RC	1	111	105	99	93	87
Lodgepole Pine	LP	1	84	78	72	66	60
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	11	11	11	11	11

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

**TABLE 22—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1982
SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$99	\$93	\$87	\$81	\$75
Western Larch Flat-sawn Blocks ¹	WLF	1	73	67	61	55	49
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.15	0.15	0.15	0.15	0.15

¹Stumpage value per MBF net Scribner Scale.²Stumpage value per 8 lineal feet or portion thereof.³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.⁴Stumpage value per lineal foot.

**TABLE 23—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 10
July 1 through December 31, 1982**

MERCHANTABLE SAWTIMBER, ALL AGES

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$261	\$255	\$249	\$243	\$237
		2	181	175	169	163	157
		3	100	94	88	82	76
Douglas-fir	DF	1	170	164	158	152	146
		2	161	155	149	143	137
		3	149	143	137	131	125
Western Larch	WL	1	170	164	158	152	146
		2	161	155	149	143	137
		3	149	143	137	131	125
Western Hemlock ¹	WH	1	149	143	137	131	125
		2	140	134	128	122	116
		3	131	125	119	113	107
True Fir ²	TF	1	149	143	137	131	125
		2	140	134	128	122	116
		3	131	125	119	113	107
Other Conifer	OC	1	149	143	137	131	125
		2	140	134	128	122	116
		3	100	94	88	82	76
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	11	11	11	9	9

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

**TABLE 24—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 10
July 1 through December 31, 1982
SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$108	\$102	\$96	\$90	\$84
Western Larch Flat-sawn Blocks ¹	WLF	1	73	67	61	55	49
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.15	0.15	0.15	0.15	0.15

¹ Stumpage value per MBF Scribner scale.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

**TABLE 25—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 11
July 1 through December 31, 1982
OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$264	\$258	\$252	\$246	\$240
		2	222	216	210	204	198
		3	180	174	168	162	156
Western Hemlock ¹	WH	1	176	170	164	158	152
		2	143	137	131	125	119
		3	128	122	116	110	104
True Fir ²	TF	1	176	170	164	158	152
		2	143	137	131	125	119
		3	128	122	116	110	104
Western Redcedar ³	RC	1	241	235	229	223	217
		2	210	204	198	192	186
		3	156	150	144	138	132
Other Conifer	OC	1	176	170	164	158	152
		2	143	137	131	125	119
		3	128	122	116	110	104
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹ Includes Western and Mountain Hemlock.

² Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³ Includes Alaska-cedar.

**TABLE 26—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 11
July 1 through December 31, 1982**

YOUNG GROWTH FINAL HARVEST

(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$194	\$187	\$180	\$173	\$166
		2	183	176	169	162	155
		3	149	142	135	128	121
		4	89	82	75	68	61
Western Hemlock ¹	WH	1	124	117	110	103	96
		2	116	109	102	95	88
		3	80	73	66	59	52
		4	77	70	63	56	49
True Fir ²	TF	1	124	117	110	103	96
		2	116	109	102	95	88
		3	80	73	66	59	52
		4	77	70	63	56	49
Western Redcedar ³	RC	1	165	158	151	144	137
		2	146	139	132	125	118
		3	118	111	104	97	90
Other Conifer	OC	1	124	117	110	103	96
		2	116	109	102	95	88
		3	80	73	66	59	52
		4	77	70	63	56	49
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹ Includes Western and Mountain Hemlock.

² Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³ Includes Alaska-cedar.

**TABLE 27—STUMPPAGE VALUE TABLE
STUMPPAGE VALUE AREA 11
July 1 through December 31, 1982**

THINNING

See definition WAC 458-40-18670(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$169	\$162	\$155	\$148	\$141
		2	158	151	144	137	130
		3	124	117	110	103	96
		4	64	57	50	43	36
Western Hemlock ¹	WH	1	99	92	85	78	71
		2	91	84	77	70	63
		3	55	48	41	34	27
		4	52	45	38	31	24
True Fir ²	TF	1	99	92	85	78	71
		2	91	84	77	70	63
		3	55	48	41	34	27
		4	52	45	38	31	24

¹ Includes Western and Mountain Hemlock.

² Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³ Includes Alaska-cedar.

TABLE 27—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	140	133	126	119	112
		2	121	114	107	100	93
		3	93	86	79	72	65
Other Conifer	OC	1	99	92	85	78	71
		2	91	84	77	70	63
		3	55	48	41	34	27
		4	52	45	38	31	24
Red Alder	RA	1	36	29	22	15	8
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	22	15	8	1	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	13	13	13	13	13

¹Includes Western and Mountain Hemlock.²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".³Includes Alaska-cedar.

TABLE 28—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
July 1 through December 31, 1982
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$138	\$132	\$126	\$120	\$114
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	54	48	42	36	30
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.²Stumpage Value per 8 lineal feet or portion thereof.³Stumpage Value per lineal foot.**NEW SECTION**

WAC 458-40-18675 HARVESTER ADJUSTMENTS—TABLES FOR 7/1/82 THROUGH 12/31/82. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 84.33.071(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18674.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall

be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products".
- (2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".
- (3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

A small volume adjustment table for use in all stumpage value areas is set forth below providing for adjustment of stumpage value rates if the total volume of timber harvested in a given quarter is within the volume classes provided therein.

Stumpage values of timber situated in areas impacted by Mt. St. Helens eruptions, slides, and floods have been reduced. In many affected areas logging costs will be increased because of consequences from the volcanic eruptions. In some areas timber has been damaged. In other areas the distances and routes over which logs must be hauled have been significantly altered and logging costs have been affected.

Timber harvesters planning to remove timber from the areas affected by the Mt. St. Helens eruptions may apply to the Department of Revenue for adjustment in stumpage value rates. Such applications should contain a map with the legal description of the area from which the timber will be removed, a description of the damage sustained by the timber, and a listing of additional costs incurred because of ash fall, slides, floods or other Mt. St. Helens caused impacts. Such applications should be sent to the Department of Revenue, Forest Tax Division, General Administration Building, Olympia, Washington 98504, before the harvest commences.

In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application when the necessary information is obtained, but in no event later than 90 days following completion of the harvest unit.

Upon application from any person who plans to harvest timber affected by the Mt. St. Helens eruptions the department will make a determination as to the amount of adjustment to be allowed. The harvester will be notified by the department of the amount of the adjustment. This amount can then be taken as a credit against tax

liabilities or if the harvester is no longer harvesting, a refund will be authorized.

The following harvest adjustment tables are hereby adopted for use during the period of July 1, 1982 through December 31, 1982:

**TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1982**

**OLD GROWTH FINAL HARVEST
(100 years of age, or older)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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I. Volume Per Acre

Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	-\$7.00

II. Logging Conditions

Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$12.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$17.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00

**TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1982**

**YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	-\$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$6.00

TABLE 2—cont.

**Dollar Adjustment Per Thousand Board Feet
Net Scribner Scale**

II. Logging Conditions

Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$18.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$21.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00

**TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1982**

**THINNING
See definition WAC 458-40-18670(9)(d)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	-\$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	-\$5.00

II. Logging Conditions

Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$14.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	-\$21.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00
III. Average Log Size		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	-\$10.00

**TABLE 4—HARVEST ADJUSTMENT TABLE
STUMPPAGE VALUE AREAS 6, 7, 8, 9 AND 10
July 1 through December 31, 1982**

MERCHANTABLE SAWTIMBER, ALL AGES

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	0
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$11.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	-\$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	-\$60.00

**TABLE 5—SMALL VOLUME ADJUSTMENT
TABLE**

**ALL STUMPPAGE VALUE AREAS
July 1 through December 31, 1982**

A small volume adjustment is allowed where the total net volume harvested per taxpayer (excluding conifer and hardwood utility) does not exceed 1,000 MBF per calendar year and does not exceed 500 MBF per quarter.

Use percentage adjustments below:

Class	Net Volume Per Quarter	Percentage Adjustment Per Thousand Board Feet
1	1 – 150 MBF	30%
2	151 – 300 MBF	25%
3	301 – 400 MBF	20%
4	401 – 500 MBF	15%

NEW SECTION

WAC 458-40-18676 SMALL HARVESTER OPTION FOR 7/1/82 THROUGH 12/31/82. Harvesters of no more than 500 MBF per calendar quarter or a total of 1,000 MBF in a calendar year may elect to calculate the timber tax in the manner provided by RCW 84.33.073 and 84.33.074. A harvester who elects to use

this option shall use the quarterly reporting forms provided for this option by the department of revenue.

NEW SECTION

**WAC 458-40-18677 DEFINITIONS FOR
SMALL HARVESTER OPTION FOR 7/1/82
THROUGH 12/31/82.** (1) Small Harvester. Small harvester means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding 500 MBF in a calendar quarter and not exceeding 1,000 MBF in a calendar year. It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvests of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards, bolts, flatsawn and shingle blocks.

(2) Timber. Timber means forest trees, standing or down on privately owned land.

(3) Harvested Timber. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) Harvesting and Marketing. Harvesting and marketing costs means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

(5) Timber Values. Timber values shall be determined by the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When timber is sold on contract with a percentage share of gross receipts the timber owners share of actual gross receipts will be the taxable stumpage value. No harvest costs deduction is allowable.

(b) When timber is sold after it has been harvested the taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing.

(c) When standing timber is sold the taxable stumpage value is the actual gross receipts received by the timber owner from the most recent sale prior to harvest. No harvest costs deduction is allowable.

NEW SECTION

**WAC 458-40-18678 TAXABLE STUMPPAGE
VALUE FOR 7/1/82 THROUGH 12/31/82.** Taxable stumpage value shall be the timber value as determined by WAC 458-40-18677(5) (a) and (c). When timber

value is determined by WAC 458-40-18677(5)(b) harvesting and marketing costs are deducted from the gross receipts from the sale of harvested timber. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, this deduction shall be a percentage of the gross receipts from the sale of the harvested timber as determined by the department of revenue for the calendar period July 1, 1982 through December 31, 1982, shall be fifty percent of the gross receipts. The total taxable stumpage value is determined by deducting the allowable harvesting and marketing costs from the total gross receipts for the harvested timber. The amount of tax due is determined by multiplying the total taxable stumpage value by the current rate of .065.

AMENDATORY SECTION (Amending Order FT-81-4, filed 12/31/81)

WAC 458-40-19000 TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((JANUARY THROUGH JUNE 30, 1982)) JULY 1 THROUGH DECEMBER 31, 1982. Harvesters of poles in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following timber pole volume table to determine the Scribner board foot volume for each pole length and class:

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
35'	1	160	35'	H2	160
	2	160		H2	160
	3	130		1	130
	4	100		2	100
	5	80		3	80
	6	80		4	80
	7	60		5	60
	8	60		6	60
	9	50		7	50
	10	240(240)		H4	240(240)
40'	1	200(200)		H3	200(200)
	2	180		H2	180
	3	180		H1	180
	4	150		1	150
	5	120		2	120
	6	120		3	120
	7	90		4	90
	8	70		5	70
	9	60		6	60
	10	380(380)		H6	380(380)
45'	1	340(340)		H5	340(340)
	2	340(340)		H4	340(340)
	3	280(270)		H3	280(270)
	4	230(130)		H2	230(130)
	5	230(130)		H1	230(130)
	6	190(110)		1	190(110)
	7	150		2	150
	8	120		3	120
	9	120		4	120
	10	90		5	90
50'	1	90		6	90
	1	430(430)		H6	430(430)
	2	370(370)		H5	370(370)
	3	370(370)		H4	370(370)
	4	300(300)		H3	300(300)
	5	260(260)		H2	260(260)
	6	260(150)		H1	260(150)
	7	210(120)		1	210(120)
	8	160		2	160
	9	140		3	140
55'	10	140		4	140
	11	100		5	100
	1	470(470)		H6	470(470)
	2	410(410)		H5	410(410)
	3	410(410)		H4	410(410)
	4	330(330)		H3	330(330)
	5	280(160)		H2	280(160)
	6	280(160)		H1	280(160)
	7	230(130)		1	230(130)
	8	180		2	180
30'	9	150		3	150
	10	150		4	150

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
60'	H6	540(540)	85'	H6	910(910)
	H5	470(470)		H5	800(800)
	H4	470(470)		H4	800(800)
	H3	410(410)		H3	660(660)
	H2	340(210)		H2	660(660)
	H1	340(210)		H1	660(520)
	1	290(180)		1	570(450)
	2	220(150)		2	490(340)
	3	190		3	360(200)
	4	190		H6	1080(1080)
65'	H6	610(610)	90'	H5	930(930)
	H5	520(520)		H4	930(930)
	H4	520(520)		H3	820(820)
	H3	420(420)		H2	820(820)
	H2	380(230)		H1	690(560)
	H1	380(230)		1	590(480)
	1	320(190)		2	490(420)
	2	260(160)		3	400(210)
	3	210		H6	1170(1170)
	4	210		H5	1000(1000)
70'	H6	650(650)	95'	H4	1000(1000)
	H5	560(560)		H3	870(870)
	H4	560(560)		H2	870(870)
	H3	480(480)		H1	750(600)
	H2	400(240)		1	640(510)
	H1	400(240)		2	540(440)
	1	350(210)		H6	1190(1190)
	2	270(170)		H5	1030(1030)
	3	230		H4	1030(1030)
	4	230		H3	900(900)
75'	H6	700(700)	100'	H2	900(900)
	H5	600(600)		H1	760(610)
	H4	600(600)		1	660(530)
	H3	520(520)		2	550(450)
	H2	520(520)		H6	1310(1310)
	H1	520(330)		H5	1160(1160)
	1	440(270)		H4	1160(1160)
	2	290(180)		H3	1000(1000)
	3	250		H2	1000(1000)
	H6	820(820)		H1	860(700)
80'	H5	700(700)	105'	1	740(600)
	H4	700(700)		2	610(510)
	H3	600(600)		H6	1370(1370)
	H2	600(600)		H5	1220(1220)
	H1	540(360)		H4	1220(1220)
	1	440(290)		H3	1050(1050)
	2	360(240)		H2	1050(1050)
	3	290(200)		H1	910(740)
				1	780(640)
				2	650(540)

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class	<u>DECEMBER 31, 1982.</u> Harvesters of piling in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following piling table to determine the Scribner board foot volume for each piling length and class:			
			Piling Length	Piling Class ¹	Total Scribner Board Foot Volume as per Piling Length and per Piling Class	
115'	H6	1440(1440)	20'	A	80	
	H5	1280(1280)		B	70	
	H4	1280(1280)		A	100	
	H3	1100(1100)		B	90	
	H2	1100(1100)		A	130	
	H1	960(780)	30'	B	110	
	1	860(670)		A	150	
	2	680(570)		B	120	
	H6	1660(1660)		A	150	
	H5	1460(1460)		B	120	
120'	H4	1460(1460)	35'	A	160	
	H3	1300(1300)		B	140	
	H2	1300(1300)		A	180	
	H1	1140(960)		B	150	
	1	970(820)		A	190	
	2	820(700)	40'	B	160	
	H6	1840(1840)		A	210	
	H5	1600(1600)		B	180	
	H4	1600(1600)		A	230	
	H3	1410(1410)		B	200	
125'	H2	1410(1410)	45'	A	250	
	H1	1250(1100)		B	210	
	1	1080(940)		A	260(140)	
	2	930(830)		B	210	
	H6	1920(1920)		A	260(150)	
	H5	1680(1680)	50'	B	220	
	H4	1680(1680)		A	290(150)	
	H3	1490(1490)		B	240	
	H2	1490(1490)		A	310(160)	
	H1	1310(1160)		B	250	
130'	1	1120(990)	55'	A	330(170)	
	2	970(870)		B	270	
	H6	1920(1920)		A	380(220)	
	H5	1680(1680)		B	300(180)	
	H4	1680(1680)		A	400(230)	
	H3	1490(1490)	60'	B	310(190)	
	H2	1490(1490)		A		
	H1	1310(1160)		B		
	1	1120(990)		A		
	2	970(870)		B		
<p>¹Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American Nation Standard Institute, Inc. codified ANSI 05.1-1972.</p> <p>²Long log volume calculations are based on Official Log Scaling and Grading Rules, revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.</p> <p>³The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.</p>						
<p>AMENDATORY SECTION (Amending Order FT-81-4, filed 12/31/81)</p> <p>WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((JANUARY 1 THROUGH JUNE 30, 1982)) JULY 1 THROUGH</p>						

Piling Length	Piling Class ¹	Total Scribner Board Foot Volume as per Piling Length and per Piling Class	Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
120'	A	500(290)		1	110
	B	400(240)		2	90
				3	60
			30'	4	60
				5	50
				6	50
				7	50
				9	40
			H2		190
			H1		160
			1		140
			2		100
			3		100
			4		70
			5		60
			6		60
			7		50
			H3		240
			H2		240
			H1		200
			1		170
			2		120
			3		110
			4		100
			5		70
			6		70
			H6		390
			H5		330
			H4		330
			H3		270
			H2		270
			H1		220
			1		180
			2		150
			3		110
			4		110
	1	70		5	80
	2	60		6	70
	3	50		H6	460
	4	50		H5	390
20'	5	30		H4	390
	6	30	50'	H3	340
	7	20		H2	340
	9	20		H1	280
	10	20		1	240
	1	80		2	190
	2	70		3	150
	3	50		4	150
	4	50		5	120
25'	5	40			
	6	40			
	7	30			
	9	30			
	10	20			

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class	Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
55'	H6	510	80'	H6	960
	H5	430		H5	830
	H4	430		H4	830
	H3	370		H3	710
	H2	360		H2	710
	H1	300		H1	610
	1	250		1	510
	2	190		2	420
	3	150		3	340
	4	150		H6	1020
60'	H6	610	85'	H5	870
	H5	530		H4	870
	H4	530		H3	760
	H3	440		H2	760
	H2	440		H1	640
	H1	380		1	550
	1	310		2	450
	2	240		3	360
	3	200		H6	1110
	4	200		H5	970
65'	H6	650	90'	H4	970
	H5	570		H3	840
	H4	570		H2	840
	H3	490		H1	720
	H2	480		1	620
	H1	410		2	500
	1	350		3	420
	2	280		H6	1160
	3	220		H5	1010
	4	220		H4	1010
70'	H6	750	95'	H3	870
	H5	650		H2	870
	H4	650		H1	740
	H3	550		1	640
	H2	470		2	510
	H1	470		H6	1380
	1	410		H5	1210
	2	320		H4	1210
	3	260		H3	1060
	4	260		H2	1060
75'	H6	810	100'	H1	910
	H5	700		1	780
	H4	700		2	650
	H3	600		H6	1430
	H2	600		H5	1250
	H1	500		H4	1250
	1	440		H3	1100
	2	340		H2	1100
	3	270		H1	940
				1	820
				2	690

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
110'	H6	1580
	H5	1390
	H4	1390
	H3	1220
	H2	1220
	H1	1070
	1	920
	2	770
	H6	1660
	H5	1470
115'	H4	1470
	H3	1280
	H2	1280
	H1	970
	1	810
	2	680
	H6	1880
	H5	1680
	H4	1680
	H3	1480
120'	H2	1480
	H1	1290
	1	1130
	2	950
	H6	1910
	H5	1690
	H4	1690
	H3	1490
	H2	1490
	H1	1140
125'	1	970
	2	810
	H6	2170
	H5	1920
	H4	1920
	H3	1710
	H2	1710
	H1	1510
	1	1320
	2	1140

AMENDATORY SECTION (Amending Order FT-81-4, filed 12/31/81)

WAC 458-40-19003 TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((JANUARY THROUGH JUNE 30, 1982)) JULY 1 THROUGH DECEMBER 31, 1982. Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages" and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class ¹	Total Scribner Board Foot Volume per Piling Length and per Piling Class
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210
75'	A	270
	B	220
80'	A	220
	B	220
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280

¹ Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

Length	Class ¹	Total Scribner Board Foot Volume per Piling Length and per Piling Class
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360
120'	A	560
	B	450

¹ Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT-81-4, filed 12/31/81)

WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR THE CALENDAR PERIOD ((JANUARY 1 THROUGH JUNE 30, 1982)) JULY 1 THROUGH DECEMBER 31, 1982.

(1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale:

Table
No.

Conversion Method

1 Standard Cord

For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.

2 Shake Blocks and Boards

A cord consisting of western redcedar shingle or shake blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.

Table
No.

Conversion Method

- 3 Cants or Lumber from Portable Mills
Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.
- 4 Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4, 5, and 11). Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
- 5 Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10). Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.
- 6 Some standard converting factors and equivalents:
 - (a) 1 standard cord equals 128 cubic feet, gross
 - (b) 1 standard cord equals 85 cubic feet, solid wood
 - (c) 1 standard cord equals 2.4069 cubic meters of solid wood
 - (d) 1 cunit equals 100 cubic feet, log scale
 - (e) 1 meter equals 39.37 inches
 - (f) 1 cubic meter equals 35.315 cubic feet log scale
 - (g) 1 cunit equals 2.832 cubic meters, log scale
 - (h) 1 pound equals 0.454 kilograms
 - (i) 1 kilogram equals 2.2046 pounds
 - (j) 1 short ton equals 2000 pounds
 - (k) 1 short ton equals 907.18 kilograms
 - (l) 1 long ton equals 2240.0 pounds
 - (m) 1 long ton equals 1016.05 kilograms
 - (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE: Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert

to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

WSR 82-14-038
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order FT-82-2—Filed June 30, 1982]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New WAC 458-40-18670	Definitions for 7/1/82 through 12/31/82.
New WAC 458-40-18671	Stumpage value areas—Map for 7/1/82 through 12/31/82.
New WAC 458-40-18672	Hauling distance zones—Maps for 7/1/82 through 12/31/82.
New WAC 458-40-18673	Timber quality code numbers—Tables for 7/1/82 through 12/31/82.
New WAC 458-40-18674	Stumpage values—Tables for 7/1/82 through 12/31/82.
New WAC 458-40-18675	Harvester adjustments—Tables for 7/1/82 through 12/31/82.
New WAC 458-40-18676	Small harvester option for period 7/1/82 through 12/31/82.
New WAC 458-40-18677	Definitions for small harvester option for 7/1/82 through 12/31/82.
New WAC 458-40-18678	Taxable stumpage value for 7/1/82 through 12/31/82.
Amd WAC 458-40-18600	General.
Amd WAC 458-40-19000	Timber pole volume table for west of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd WAC 458-40-19001	Timber piling volume table for west of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd WAC 458-40-19002	Timber pole volume table for east of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd WAC 458-40-19003	Timber piling volume table for east of Cascade Summit for the calendar period 7/1/82 through 12/31/82.
Amd WAC 458-40-19004	Conversion definitions and factors for the calendar period 7/1/82 through 12/31/82.

I, Don Burrows, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is RCW 84.33.071 requires stumpage value for timber be shown on tables to be prepared by the Department of Revenue each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, which stumpage values shall in accordance with the policy of the Department of Revenue reflect the most recent sales from which data is available.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 82.01.060 and 84.33.071 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By John B. Conklin
Forest Tax Supervisor

Reviser's note: The rules relating to stumpage values, chapter 458-40 WAC, were adopted both as permanent and emergency rules by the Department of Revenue in Administrative Order Numbers FT 82-3 and FT 82-2, respectively. Due to length of the rules, and the fact that they are identical in both their permanent and emergency versions, they are displayed in the Register only once, under WSR 82-14-037.

WSR 82-14-039
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 171—Filed June 30, 1982]

Be it resolved by the State Personnel Board, acting at Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to Accrued vacation leave—((Computation—How made)) Disposition, amending WAC 356-18-100.

We, the State Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this revision is necessary to implement SB 5007 which becomes effective July 1, 1982. This rule revision was adopted to become effective on an emergency basis on July 1, 1982, to coincide with the effective date of the bill.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 10, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-18-100 ACCRUED VACATION LEAVE—((COMPUTATION—HOW MADE)) DISPOSITION. When an employee separates from service by reason of resignation, layoff, dismissal, or retirement ((or death, and is entitled to cash credit or payment for any unliquidated vacation leave, compensation shall be computed by using the formula published by the Office of Financial Management)) agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the Office of Financial Management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982 or in case of death.

(1) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction-in-force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), RCW 41.06.100, or WAC 356-30-045.

(2) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(3) The separation cited in (1) above will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 82-14-040
PROPOSED RULES
DEPARTMENT OF ECOLOGY**
[Filed June 30, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Odessa ground-water subarea management policy, repealing chapter 173-130 WAC and Odessa ground-water subarea management policy, adopting chapter 173-130A WAC.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, August 3,

1982, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowesix, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).

This notice is connected to and continues the matter in Notice No. WSR 82-10-073 filed with the code reviser's office on May 5, 1982.

Dated: June 29, 1982
By: John F. Spencer
Deputy Director

**WSR 82-14-041
ADOPTED RULES
DEPARTMENT OF ECOLOGY**
[Order DE 82-23—Filed June 30, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Odessa ground-water management subarea, repealing chapter 173-128 WAC and Odessa ground-water management subarea, adopting chapter 173-128A WAC.

This action is taken pursuant to Notice No. WSR 82-10-074 filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 29, 1982.

By John F. Spencer
Deputy Director

**Chapter 173-128A WAC
ODESSA GROUND WATER MANAGEMENT SUBAREA**

WAC

- 173-128A-010 Authority.
- 173-128A-020 Background.
- 173-128A-030 Purpose.
- 173-128A-040 Subarea definition.
- 173-128A-050 Subarea map.

NEW SECTION

WAC 173-128A-010 AUTHORITY. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

NEW SECTION

WAC 173-128A-020 BACKGROUND. (1) Since 1967, the segment of the Columbia basin ground water system centered around the community of Odessa has experienced a steady decline in ground water levels.

(2) Spurred by local concern and foreseeable management problems, the department of water resources (now department of ecology) closed an area of approximately 1,100 square miles to the drilling of large producing water wells and initiated a detailed investigation of ground water conditions in the Odessa basin.

(3) As a result of this investigation, a digital ground water model of the Odessa basin was developed and used in 1974 and 1975 to predict the effect of additional ground water withdrawals on existing water level declines.

(4) In 1975, the department expanded its ground water monitoring program and discontinued use of the predictive model.

(5) The expanded monitoring program, with additional data on the actual effects of pumping, included wells south of the subarea which showed ground water declines similar in magnitude to those inside the subarea.

NEW SECTION

WAC 173-128A-030 PURPOSE. The purpose of this regulation is to expand the boundaries of the Odessa ground water subarea as originally set forth in Chapter 173-128 WAC.

NEW SECTION

WAC 173-128A-040 SUBAREA DEFINITION. "Odessa ground water subarea" shall mean those lands lying within the Columbia basin described as follows:

Township (North)	Range (East)	Sections	Township (North)	Range (East)	Sections
13	31	1 thru 12	17	31	32 lying to the left of the center line of the East Low Canal *1 thru 4, 9 thru 16, 19 thru 36, and that part of 5, 6, 8, 17 and 18 lying to the left of the center line of the East Low Canal
13	32	1 thru 12	17	32	1 thru 36
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal	17	33	1 thru 36
14	32	1 thru 36	17	34	1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low Canal	17	35	1 thru 36
15	31	*1 thru 29, 32 thru 36, and that part of 30 and 31 lying to the left of the center line of the East Low Canal	18	30	1 thru 36
15	32	1 thru 36	18	31	1 thru 36
15	33	1 thru 36	18	32	1 thru 36
16	30	*1 thru 4, 10 thru 14, 23 thru 25, 36, and that part of 5, 6, 8, 9, 15, 16, 21, 22, 26, 27, 28, 34, and 35 lying to the left of the center line of the East Low Canal	18	33	1 thru 36
16	31	1 thru 36	19	34	1 thru 36
16	32	1 thru 36	19	35	1 thru 36
16	33	1 thru 36	19	36	3 thru 10, 15 thru 22 and 27 thru 33
16	34	1 thru 22	19	31	*1 thru 5, 8 thru 15, 22 thru 27, 34 thru 36 and that part of 6, 7, 16, 17, 18, 21, 28 and 33 lying to the left of the center line of the East Low Canal
16	35	1 thru 18	19	32	1 thru 36
16	36	6 and 7	19	33	1 thru 36
17	30	*15, 16, 21 thru 28, 33 thru 36, and that part of 8 thru 11, 13, 14, 17, 20, 29, 31, and 32	20	29	1 thru 36
			19	34	1 thru 36
			19	35	1 thru 36
			19	36	1 thru 36
			20	29	*1 thru 27, 29, 30, 36 and that part of 28 and 31 thru 35 lying to the left of the center line of the East Low Canal
			20	30	1 thru 36
			20	31	1 thru 36
			20	32	1 thru 36
			20	33	1 thru 36
			20	34	1 thru 36
			20	35	1 thru 36
			20	36	4 thru 9, 16 thru 21, and 28 thru 33
			21	28	*1, 2, and that part of 3, 4, 10, 11 and 12 lying to the left of the center line of the East Low Canal
			21	29	*1 thru 6, 9 thru 16, 20 thru 29, 32 thru 36 and that part of 7, 8, 17, 18, 19, 30 and 31 lying to the left of the center line of the East Low Canal
			21	30	1 thru 36
			21	31	1 thru 36
			21	32	1 thru 36
			21	33	1 thru 36
			21	34	1 thru 36
			21	35	1 thru 36
			21	36	5 thru 8, 16 thru 21, and 28 thru 33
			22	28	*12 thru 17, 20 thru 28, 34 thru 36 and that part of 18, 19, 29, 30, 32 and 33 lying to the left of the center line of the East Low Canal

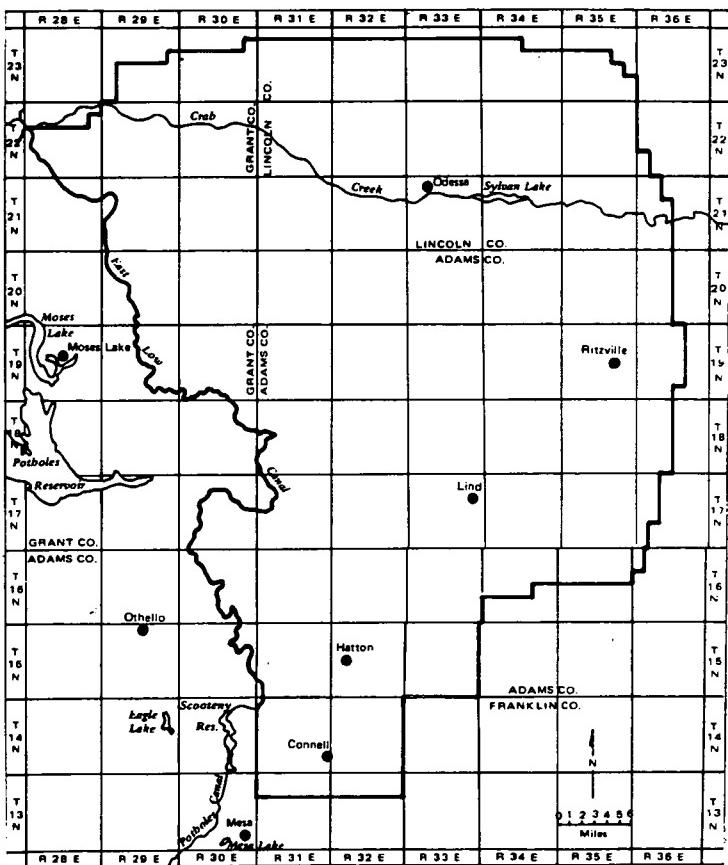
Township (North)	Range (East)	Sections
22	29	1 thru 36
22	30	1 thru 36
22	31	1 thru 36
22	32	1 thru 36
22	33	1 thru 36
22	34	1 thru 36
22	35	1 thru 36
22	36	30 and 31
23	29	13, 20 thru 29, and 32 thru 36
23	30	12 thru 36
23	31	7 thru 36
23	32	7 thru 36
23	33	7 thru 36
23	34	7 thru 9 and 13 thru 36
23	35	15 thru 23 and 25 thru 36

*Right and left sides are determined by looking in the downstream or flow direction.

NEW SECTION

WAC 173-128A-050 SUBAREA MAP. "Odessa ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

ODESSA GROUND-WATER SUBAREA



WSR 82-14-042

ADOPTED RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 378—Filed June 30, 1982]

I, Brian J. Boyle, Commissioner of Public Lands, Administrator, Department of Natural Resources, do promulgate and adopt at Olympia, Washington, Office of the Commissioner, 2nd Floor, Public Lands Building, the annexed rules relating to the establishment of fees to be charged by each county auditor as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats, and condominium surveys, plats or maps.

This action is taken pursuant to Notice No. WSR 82-11-081 filed with the code reviser on May 18, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 58.24 RCW, section 7, chapter 165, Laws of 1982 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By Brian J. Boyle
Commission of Public Lands

CHAPTER 332-150 WAC Survey, flat and map filing and recording fees

NEW SECTION

WAC 332-150-010 AUTHORITY AND SCOPE. This chapter is promulgated pursuant to the authority granted in Chapter 165, Laws of 1982. WAC 332-150-010 through WAC 332-150-040 are intended to implement section 7 of Chapter 165, Laws of 1982.

NEW SECTION

WAC 332-150-020 DEFINITIONS. As used in WAC 332-150-010 through WAC 332-150-040, the following definitions shall apply:

(1) "Surveys." All records of surveys required to be filed by law pursuant to Chapter 58.09 RCW and all other land division plats or maps required by local ordinance to be filed and recorded.

(2) "Subdivision plats." All plats required to be filed by law pursuant to Chapter 58.17 RCW.

(3) "Short plats." All short plats required to be filed by law pursuant to Chapter 58.17 RCW.

(4) "Condominium surveys, plats or maps." All surveys, plats, or maps required to be filed by law pursuant to Chapter 64.32 RCW.

(5) "Instrument." The total document filed and recorded of each of the above regardless of the number of pages. This term also includes corrections to such instruments, including but not limited to boundary line

adjustments, correction affidavits, and correction plats and surveys.

NEW SECTION

WAC 332-150-030 FILING AND RECORDING FEES. After the effective date of this regulation, each county auditor shall collect the fee of fifteen dollars per instrument in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats or condominium surveys, plats or maps.

NEW SECTION

WAC 332-150-040 FILING AND RECORDING FEES – DESIGNATION OF FEES. The fees imposed by the foregoing rules are designated for and related solely to the purposes and provisions of Chapter 58.24 RCW and not for the maintenance, sale and distribution of publications authorized by RCW 43.99.142.

NEW SECTION

WAC 332-150-050 BIENNIAL REVIEW. The fee established by these rules shall be reviewed subsequent to the adoption of each biennial budget for surveys and maps to determine the sufficiency of such fee. If revenue is determined to be inappropriate for the program need the department shall adjust the fee accordingly.

WSR 82-14-043
ATTORNEY GENERAL OPINION
Cite as: AGLO 1982 No. 17
[June 29, 1982]

PENSIONS—RETIREMENT—PUBLIC EMPLOYEES' RETIREMENT SYSTEM—TEACHERS' RETIREMENT SYSTEM—LIABILITY OR ADDED PENSION COSTS

(1) It is the level of salary increases which have been granted to all employees of the particular employer, and not merely certain classes of employees of that employer, which is to be looked to, under § 34, chapter 52, Laws of 1982, 1st Ex. Sess., in determining whether a salary increase granted to a particular employee (thereafter retiree) is so excessive as to result in employer liability for increased pension costs.

(2) In the case of an employee who is simultaneously working for two different employers, it is the employer which granted the excessive salary increase (if any) who will be liable for any excess retirement benefit costs under § 34, chapter 52, Laws of 1982, 1st Ex. Sess.

Requested by:

Honorable Joe Taller
Director
Office of Financial Management
House Office Building
Olympia, Washington 98504

WSR 82-14-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 30, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning mandatory monthly reporting, amending WAC 388-24-044.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 28, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-24-044.

The Purpose of the Rule or Rule Change: To make the mandatory monthly reporting system applicable statewide.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

These rules are necessary as a result of federal law, 45 CFR, Sections 233.36 and 233.37.

AMENDATORY SECTION (Amending Order 1799, filed 5/5/82)**WAC 388-24-044 MANDATORY MONTHLY REPORTING.**

(1) As a condition of continuing eligibility for AFDC and RA, the recipient must return to the department a completed monthly status report (MSR) by the fifth day of the month following the month for which the MSR describes the household circumstances.

(2) Failure to return a completed MSR by the fifth day of the month shall result in termination except as provided in subsection (3) of this section.

(3) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (2) of this section, the department shall:

(a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the recipient is still eligible.

(4) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount less than the prior month's payment, the department must notify the recipient according to chapter 388-33 WAC.

(5) ((These rules shall apply only to selected recipients in the Kent and Olympia CSOs as selected by the department.))

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 82-14-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 30, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning medical assistance, amending chapters 388-81, 388-84, 388-86, 388-99 and 388-100 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 25, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapters 388-81, 388-84, 388-86, 388-99 and 388-100 WAC.

The Purpose of the Rule Changes: To make revisions to the medical assistance rules necessitated by Executive Order 82-13.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Changes: WAC 388-99-020, adoption of revised medically needy income level to reflect SSI changes effective July 1, 1982; 388-86-100, level at which the purchase of durable medical requires prior approval of the medical director is changed from five hundred dollars to one thousand dollars. This section also rewritten for clarity; 388-100-010, 388-100-025 and 388-100-030, are being revised to change the deductible to a pre-eligibility requirement, income standards changed to the medically needy income level, resource standards changed to the SSI level. Income and resource guidelines to relate to AFDC guidelines, removes exception to policy requirements for waiver of the seven-day rule as the exception to policy is not required by the RCW; 388-84-120 and 388-86-120, removes exception to policy requirements for waiver of seven-day rule as exception to policy is not required by the RCW; 388-81-030, requests for exception to policy for medical care to require approval by the Division of Medical Assistance; and 388-100-035, remove the dollar amount of the deductible as the dollar amount of \$500 is specified in WAC 388-100-030, removes subsection (8) as the exception to policy requirements are included in WAC 388-81-030.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-81-030 CASE EXCEPTION. A request for an exception to policy for medical care services denied by strict application of a rule or regulation ((are reviewed)) requires approval by the division of medical assistance, the single state agency for administering Title XIX. See WAC 388-20-020 for exception to policy procedures.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-84-120 APPLICATION FOR STATE FUNDED MEDICAL CARE. (1) Individuals ineligible for a categorical cash assistance program may be provided medical care under the state-funded continuing general assistance program.

(2) The effective date of eligibility for state-funded (GAU) medical care is concurrent with certification for cash assistance; except that medical care may be provided for no more than seven days prior to

date of application for financial assistance to an otherwise eligible individual. The seven days shall not include Saturday, Sunday or legal holidays. The department may ((on an exception basis)) waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Termination of state-funded medical occurs with termination of continuing general assistance grant.

(4) Individuals ineligible under subsections (1) or (3) of this section may be eligible under the limited casualty program—medically indigent program. See chapter 388-100 WAC.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-100 DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES. (1) The department shall authorize the purchase or rental of durable medical equipment, prosthetic devices, and other nonreusable medical equipment only when such items will:

- (a) Reduce the length of hospitalization,
- (b) Aid the rehabilitation of an employable person,
- (c) Enable the person to return to or continue to live in his own home,
- (d) Be used full time by a nursing home patient who will benefit materially from its use,
- (e) Result in financial saving to the department.

(2) ((No approval is required for the purchase of external braces involving the neck, trunk and extremities; nor pressure garments, support hose, canes, or wood crutches:))

((3) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision of the appliance will expedite a recipient's release from a hospital:))

((4))) Prior approval by the medical director of the division of medical assistance is required for((:))

((a))) purchase of ((reusable durable)) medical equipment ((costing more than five hundred dollars;

((b)) Purchase of nonreusable medical equipment)) or prosthetic devices costing ((more than five hundred dollars)) one thousand dollars or more, except as described in subsection ((2))) (4) of this section((;)).

((c)) Metal crutches and other appliances require prior approval of the local medical consultant;))

(3) Prior approval by the local medical consultant is required for:

((a)) Purchase of medical equipment or prosthetic devices costing less than one thousand dollars, except as described in subsections (4) and (5) of this section,

((d))) (b) All rentals and repairs ((require prior approval by the local medical consultant)) of medical equipment.

(4) No approval is required for the purchase of external braces involving the neck, trunk and extremities; nor pressure garments, support hose, canes, or wood crutches.

((5) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision of the appliance will expedite a recipient's release from a hospital:))

((6))) (6) A recipient who has medicare part B benefits must utilize this resource for the purchase or rental of any items provided by medicare. Payment of medicare coinsurance and deductibles will be made by the department for purchase of all medicare items.

((6))) (7) Medical equipment and supplies purchased by the department become the property of the recipient.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ ((303))
	323
(b) Two persons	\$ ((434))
	463
(c) Three persons	\$ ((451))
	497
(d) Four persons	\$ 531
(e) Five persons	\$ 612
(f) Six persons	\$ 693
(g) Seven persons	\$ 802
(h) Eight persons	\$ 887
(i) Nine persons	\$ 974
(j) Ten persons	\$1,058

and above

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income based on a three-month calculation.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households (AFDC and SSI related members) eligibility shall be determined as for families and children.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION.

(1) Citizenship is not a requirement of eligibility.

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not receiving continuing cash assistance or eligible for any other medical program.

(b) Income shall not exceed the ((payment standards for AFDC)) medically needy income level in WAC 388-99-020 or shall be spentdown to that level according to procedures in WAC 388-99-030.

(c) Nonexempt resources shall not exceed the resource standard for ((AFDC)) SSI or shall be spentdown to that level according to procedures in WAC 388-100-015.

(d) The applicant who has transferred resources within two years prior to the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC 388-100-010. See WAC 388-99-035(2) for determining the uncompensated value of the transferred resource.

(3) ((The following shall be deducted or exempted from income:))

(a) Mandatory deductions of employment.

(b) Total income and resources of a noninstitutionalized SSI beneficiary.

(c) Support payments paid under a court order.

(d) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.

(e) The following shall be considered an exempted resource:

(a) A home.

(b) Used and useful household furnishings and personal clothing.

(c) Personal property of great sentimental value.

(d) Livestock or similar property owned by children when profit is reserved for education.

(e) Other personal property used to reduce need for assistance or medical care.

(f) One cemetery plot for each member of the assistance household.

(g) A used and useful automobile.

(h) The following resources are not exempt:

(a) Cash, marketable securities, and any other resource not specifically exempted that can be converted to cash.

(b) The potential earning power of the applicant or recipient. Even if an applicant has no cash resources, current employment or possibility of employment in the future, as evidenced by past opportunities, may be such that the individual could be reasonably expected to pay all or part of the cost of medical care out of future earnings.)) Use AFDC income guidelines in chapter 388-28 WAC to determine treatment of income. Except the AFDC earned income exemption of thirty

dollars plus one-third of the remainder does not apply to individuals applying for LCP-MI.

(4) Use AFDC resource guidelines in chapter 388-28 WAC to determine exempt resources.

(5) Satisfy the deductible requirement in WAC 388-100-030.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-100-025 CERTIFICATION. (1) A recipient shall be certified eligible for the duration of treatment for the acute and emergent condition not to exceed three months.

(2) Pregnancy is considered an acute and emergent need. A recipient who has been medically determined to be pregnant shall be certified for separate three-month periods for the duration of the pregnancy plus six weeks for the post partum care, which includes routine care for the newborn. Beyond this period of time eligibility for the mother or the newborn shall be determined separately.

(3) An applicant ((who is required to spenddown)) shall be certified from the day the spenddown and deductible requirements ((is)) are met through the last day of the three-month period which began ((at the time)) with the month of application.

(4) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

(5) Any change in circumstances shall be promptly reported to the local community services office.

(6) Certification may be up to seven working days prior to the date of receipt of a written request for assistance. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

AMENDATORY SECTION (Amending Order 1754, filed 2/3/82)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program—medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. This may include: Inpatient hospital services; outpatient hospital and rural health clinic services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) When any other medical need is identified for recipients undergoing treatment under the Involuntary Treatment Act (ITA) or detoxification for an acute alcohol condition as defined in chapter 388-40 WAC, the requirements for acute and emergent need and the ((fifteen hundred dollar)) deductible shall apply.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

((8) A request for an exception to policy shall not be approved without review by the division of medical assistance.))

WSR 82-14-046 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Order 1837—Filed June 30, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Day care—Parent participation, new WAC 388-15-173.

This action is taken pursuant to Notice No. WSR 82-11-016 filed with the code reviser on May 10, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By David A. Hogan
Director, Division of Administration

NEW SECTION

WAC 388-15-173 PARENT PARTICIPATION DAY CARE. (1) The department will provide assistance for day care expenses of employed one- and two-parent families with income exceeding thirty-eight percent of the state median income adjusted for family size (SMIAFS), but does not exceed fifty-two percent of SMIAFS. The parent(s) shall pay fifty percent of available income (income above thirty-eight percent of SMIAFS) toward the cost of day care. The department shall pay the remainder not to exceed the department's established rate.

(2) Parent participation day care will be authorized for the hours of the work day and transit from the provider's facility to work and back. When one parent is employed and the other is in training, parent participation day care will only be authorized for the hours the working parent is employed and the other parent is in training.

WSR 82-14-047 ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Order 1838—Filed June 30, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Effective date of grant—Fair hearing or court decision involved, amending WAC 388-33-165.

This action is taken pursuant to Notice No. WSR 82-11-053 filed with the code reviser on May 13, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 694, filed 6/29/72)

WAC 388-33-165 EFFECTIVE DATE OF GRANT—FAIR HEARING OR COURT DECISION INVOLVED. (1) The fair hearing or court decision will specify the effective date of eligibility or change in the grant. The regular grant change is made on the first possible regular warrant roll date. See WAC 388-33-595(2)(c)(v) for payment of any adjusting grant due.

(2) When the initial or final hearing decision is favorable to the ((claimant)) appellant, or when the local office decides in favor of the ((claimant)) appellant prior to the hearing, the local office shall make corrective payments retroactively to the date an incorrect action was taken or such earlier date as is provided under department rules.

WSR 82-14-048
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1839—Filed June 30, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general and seasonal day care services, amending WAC 388-15-170.

This action is taken pursuant to Notice No. WSR 82-11-031 filed with the code reviser on May 11, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 43.20A.550.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1735, filed 12/16/81)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include

providing care, protection, and related services for a child under fifteen years of age during ((that)) the portion of the twenty-four hour day ((that)) neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed in accord with an approved case plan, and if an AFDC recipient must meet the eligibility criteria for seasonal day care, or be a resident of a federally recognized Indian reservation,

(b) Parent is enrolled in an approved work incentive program (WIN) (not to exceed one year) leading toward employment,

(c) For school-age parent to complete secondary education or attainment of GED (not to exceed two years), subject to approval by the department,

(d) For parent who is a resident of a federally recognized Indian reservation and is enrolled in an approved training program (not to exceed two years) leading toward employment,

((e)) ~~For AFDC recipient to serve as a volunteer on DHS advisory board;~~

((f)) (e) Parent to keep physical or mental health appointment,

((g)) (f) Child in need of day care as part of children's protective service case plan,

((h)) (g) Provided as child welfare services by a professional or other mental health social service agency referral for the child's or parent's physical or emotional health or support to the family structure.

(2) Goals for general day care services shall be limited as specified in WAC 388-15-010(1)(a), (b), (c). Also see WAC 388-15-010(2).

(3) Child care including seasonal day care may be purchased for children or families who are:

(a) Individuals whose gross income is equal to or below thirty-eight percent of the state median gross income for a family of four adjusted for family size. (See WAC 388-15-020(2)(d)).

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for seasonal day care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies ((which serve)) serving migrant families; and

(b) Must derive at least fifty percent of the family's annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year; and

(d) Must have a gross income for the past twelve months not to exceed thirty-eight percent of the state median income adjusted for family size.

(5) Standards for in-home care:

(a) In-home care is the care and supervision of a child in his or her own home by a relative or by an unrelated person during part of the twenty-four hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine ((that)) the caretaker meets the in-home care standards.

- (c) Use of in-home care is appropriate when:
- (i) There is a qualified caretaker available, and this type of child care is the parental choice,
 - (ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,
 - (iii) A child's physical, mental or emotional problems make it necessary ((that)) he or she remain in his or her home.
- (d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program ((which)) DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:
- (i) Be eighteen years of age or older,
 - (ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,
 - (iii) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care,
 - (iv) Subject to the discretion of the worker, give written evidence from a medical authority ((that)) he or she is in sufficient physical, emotional, and mental health to be a safe caretaker,
 - (v) Produce written references indicating ((that)) he or she is capable of handling children of the ages for whom he or she will be caring and has the ability to provide activities suitable to the children's ages and interests((:-)) ,
 - (vi) Be able to work with children without recourse to physical punishment or psychological abuse,
 - (vii) Be able to accept and follow instructions,
 - (viii) Maintain personal cleanliness,
 - (ix) Be prompt and regular in job attendance,
 - (x) Expect to be evaluated as specified in subsection (5)(d)(i) through (ix) of this section.
- (e) Responsibilities of in-home caretaker. The in-home caretaker shall:
- (i) Consider his or her primary function that of child care,
 - (ii) Provide constant care and supervision of the children for whom he or she is responsible throughout the time he or she is on duty in accordance with the children's needs,
 - (iii) Provide appropriate activities for children in care.
- (6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.
- (a) When the parent or parent surrogate is responsible for in-home care, ((that)) the person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.
 - (b) The in-home care provider must sign a receipt at the time ((that)) payment is received. The parent or surrogate must send the payment receipt with his or her statement of child care provided during the previous month to the CSO before the next child care payment shall be authorized.
- (c) If total payments to an individual providing in-home care are expected to be fifty dollars or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.
- (d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.
- (e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

WSR 82-14-049
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1840—Filed June 30, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Effect of resources and income on financial need—Personal property exemptions—Ceiling values, amending WAC 388-28-430.

This action is taken pursuant to Notice No. WSR 82-11-073 filed with the code reviser on May 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES. (1) ((Personal property without ceiling value)) The following personal property is an exempt resource for general assistance. There is no ceiling value on such property.

(a) ((For general assistance)) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing ((which are)) in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) ((For general assistance)) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Term and/or burial insurance for the use of the applicant or recipient.

(d) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(2) The following items are exempt resources to the extent that the values of such items are within the following maxima or ceiling values for general assistance.

(a) The total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(b) and (c) of this section and any other resources not specifically exempted shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

(b) Life insurance may have a cash surrender value not to exceed \$1,500.00 considered as an exempt resource.

(c) Used and useful vehicles with an equity value of \$1,500.00 or less is an exempt resource.

(3) For AFDC and RA, household furnishings and personal clothing essential for daily living are exempt resources without ceiling value. Such items which are in storage shall be presumed to be not essential for daily living but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

(4) For AFDC and RA the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, and burial plots, cash surrender value of life insurance and burial insurance and, excess value of vehicles, value of nonexempt property and any other resources not specifically exempted shall not exceed one thousand dollars regardless of family size.

(5)(a) For AFDC and RA one used and useful vehicle, with an equity value of \$1,500.00 or less is an exempt resource.

(b) Excess equity value of a used and useful vehicle and the equity value of other vehicles shall apply toward the limit in subsection (4) of this section.

(6) The following rules apply to all grant programs:

((c)) (a) ((For all grant programs)) Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the ((applicant/recipient's)) applicant's or recipient's need for public assistance, or aid in rehabilitating him or her or his or her dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

((iii) The plan shall be reviewed at least once every six months.

(d) For general assistance, one cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(e) For general assistance, term and/or burial insurance for the use of the applicant or recipient.

(f) For AFDC and RA, household furnishings and personal clothing essential for daily living. Such items which are in storage shall be presumed to be not essential for daily living but all other household furnishings and personal clothing shall be presumed to be essential for daily living and both presumptions stand in the absence of evidence to the contrary.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. For general assistance, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(h) and (k) of this section shall not exceed \$1,500.00 for a single person, or \$2,250.00 for a family of two or more.

Effective July 1, 1981, for general assistance, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(h) and (k) of this section:

Family Size	
1	\$ 1,500
2 or more	2,250

(b) For federally funded assistance the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and cash surrender value of life insurance shall not exceed one thousand dollars regardless of family size.

((d)) (b) Funds represented by values within the ceiling values are not used to determine financial need or to compute grants.

((d)) (c) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

((t))) (d) All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

((f))) (e) A joint account shall be considered the property of the ((applicant/recipient)) applicant or recipient since the entire amount is at ((his/her)) his or her disposal, except when the ((applicant/recipient)) applicant or recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and ((held/utilized)) held and/or utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the ((applicant/recipient)) applicant or recipient.

((g)) Real estate or chattel mortgages and sales contracts.

((t))) (f) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsections (2) and (5) of this section.

((f))) (g) The cash discount value of a mortgage or contract represents the value of the resource.

((f))) (h) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

((t))) For general assistance, life insurance may have a cash surrender value not to exceed \$1,500.00 considered as an exempt resource.))

(i) When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(j) ((Assignment of policy.)) An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

((k)) Used and useful vehicles.

((l)) Used and useful vehicles with an equity value of \$1500 or less in general assistance are an exempt resource.

((m)) For AFDC and refugee assistance one used and useful vehicle with an equity value of \$1500 or less.

((n))) (k) A motor home is a totally nonexempt resource ((for all grant programs)) and its value is not applied to the ceiling values in this section. If it is the only residence of the household, it is considered to be the home and is a totally exempt resource.

((o))) (l) A motor home is a motor vehicle originally designed, reconstructed or permanently altered to provide facilities for human habitation.

((t))) (m) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

((m))) (n) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

((n))) (o) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

((o))) (p) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

((p))) (q) The changes to resource limits for federally funded programs will be phased in by applying them when case actions are taken and/or when eligibility is determined or redetermined.

(3) The rules in this section shall be effective ((February)) April 1, 1982.

**WSR 82-14-050
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**
[Order 1841—Filed June 30, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Limited casualty program—Certification, amending WAC 388-99-055.

This action is taken pursuant to Notice No. WSR 82-11-066 filed with the code reviser on May 14, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-99-055 CERTIFICATION. (1) A recipient in own home shall be certified for no more than three months.

(2) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is

met through the last day of the three-month period which began with the month of application.

(3) If retroactive coverage is requested at the time of application, a spenddown applicant shall be certified from the day the spenddown requirement was met through the last day of the three-month period which began up to three months prior to the month of application.

(4) ((A new)) An application is required for any subsequent period of eligibility for LCP-MN.

(5) An applicant who is required to spenddown shall be certified the day the spenddown requirement is met.

(6) Full-month coverage is not available during the first month of eligibility for persons who must establish eligibility by deducting incurred medical expense from countable income.

(7) A recipient in a medical facility, other than a hospital, shall be certified for twelve months.

(8) All medically needy recipients shall receive individual notification of the disposition of their application.

(9) Any change in circumstances shall be reported within twenty days to the local community service office.

(10) Any recipient, aged, blind or disabled who has been terminated from SSI/SSP shall have their eligibility for LCP-MN determined in accordance with chapter 388-85 WAC.

AMENDATORY SECTION (Amending Order 79-1, filed 8/6/79)

WAC 463-39-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. Subparts A, D, Da, GG, J, K and Y of Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to ((June 12, 1979)) May 1, 1982 are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the Council.

Sections 60.5 and 60.6 of Title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 463-39-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 82-14-051
ADOPTED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
[Order 82-3—Filed June 30, 1982]**

Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to standards of performance for new stationary sources, WAC 463-39-115.

This action is taken pursuant to Notice No. WSR 82-11-067 filed with the code reviser on May 14, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 28, 1982.

By William L. Fitch
Executive Secretary

**WSR 82-14-052
ADOPTED RULES
BOARD OF ACCOUNTANCY
[Order PL 401—Filed June 30, 1982]**

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 4-20-150.

This action is taken pursuant to Notice No. WSR 82-07-041 filed with the code reviser on March 16, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.070 and 18.04.290(2) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED May 28, 1982.

By Robert L. Block, C.P.A.
Chairman

AMENDATORY SECTION (Amending Order PL 148, filed 9/25/73)

WAC 4-20-150 QUALIFICATION OF PROGRAM—PUBLISHED ARTICLES AND BOOKS. Credit may be awarded for published articles and books. The amount of credits so awarded will be determined by

the Board; Provided, that such credit may not exceed 25% of the renewal period requirement or 30 CPE hours in any three year reporting period without submission of the article for prior approval. Credit is given in the period in which the article or book is published.

**WSR 82-14-053
EMERGENCY RULES
SECRETARY OF STATE**
[Order 82-2—Filed June 30, 1982]

I, Ralph Munro, director of the Office of the Secretary of State, do promulgate and adopt at Olympia, Washington, the annexed rules relating to procedures and fees applicable to certain corporation filings, and operating procedures of the Corporations Division, Office of the Secretary of State.

I, Ralph Munro, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chapter 35, Laws of 1982, is effective July 1, 1982. These regulations are necessary to prevent an unintended void in the fee schedules and other procedures applicable to corporations after July 1, 1982. Regular adoption of the regulations is scheduled for July 30, 1982.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 35, Laws of 1982 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By Ralph Munro
Secretary of State

EMERGENCY REGULATIONS

NEW SECTION

WAC 434-50-010 PURPOSE These rules are adopted to establish certain procedures, and fee schedules applicable to filings made at the Corporation, Trademarks and Limited Partnerships Division of the Office of the Secretary of State, and to provide general information concerning that division. These rules are adopted pursuant to the corporations laws of Washington, including Sec. 67, 114, 159 and 187, Ch. 35, Laws of 1982.

NEW SECTION

WAC 434-50-015 OFFICE ADDRESS (1) Mailing address for the Corporations Division: Corporations Division, Office of the Secretary of State, Olympia, Washington 98504. Use of any other address may delay mail delivery.

(2) The offices of the corporations division are located at 500-A State Modular Office Building, Airstream Way and Armstrong Street SW, Tumwater, Washington. To reach the division's offices, take Exit 102, Interstate 5 (Trooper Road exit), go east two blocks to Capitol Boulevard, turn south on Capitol Boulevard, drive one mile to Airstream Way, turn on Airstream Way, go one-half mile. The State Modular Office Building is on the south side of Airstream Way; the division is located in the northwest corner of the building.

NEW SECTION

WAC 434-50-020 OFFICE HOURS (1) Hours of operation for personnel in the division are from 8:00 a.m. through 4:30 p.m. daily, Monday through Friday.

(2) Over-the-counter or walk-in, same-day processing of documents, or inspection of public records is available only between 8:30 to 11:30 a.m., and 1:00 to 3:30 p.m. each day. (Allow four-hour turn-around time for expedited service.)

(3) Certain expedited or over-the-counter services are subject to special service fees established elsewhere in these regulations.

(4) Documents, including substitute service-of-process on the Secretary of State, which are delivered after normal working hours will be deemed to have been received on the next working day. As used in this section, "received after normal working hours" includes delivery by posting/taping/tacking documents to the office's doors, placing documents on doormats or in office mailboxes, or other forms of delivery not physically received by an employee of the Office of the Secretary of State during working hours.

NEW SECTION

WAC 434-50-025 TELEPHONE SERVICES (1) The telephone number for corporation information is 206/753-7115.

(2) The following information on active corporations is available by telephone:

(a) Exact name of corporation according to Secretary of State's records;

(b) Expiration date of corporate license;

(c) Registered agent's name;

(d) Registered office address;

(e) Date Washington firm incorporated;

(f) Date out-of-state corporation qualified to do business in Washington;

(g) Amount of capital corporation is authorized to issue;

(h) Filing period of most recent annual report (list of officers and directors).

(3) Name availability review is not available. Names and addresses of officers and directors, records of very recent incorporations, dissolutions or other information

requiring file and/or archival research cannot be responded to immediately by telephone.

(4) The corporations division receptionist does not have access to corporate information records. Receptionist's phone number, for general information, is 206/753-7120.

NEW SECTION

WAC 434-50-030 MAIL-IN SERVICE (1) Expedited services for mail-in requests are currently not available.

(2) Documents for filing are processed in order of date of receipt. If correct, documents will be marked "filed" as of the date of receipt. If requested in a cover letter, personnel will call (collect) and advise when documents are filed. Requests for specific filing dates will be observed; documents must be received in proper order with correct fees by the specified date.

(3) Information requests are processed in order of date of receipt, when related to active files. However, inquiries requiring search of non-active or archived files are processed on a time-available basis.

NEW SECTION

WAC 434-50-035 IN-PERSON OR EXPEDITED COUNTER SERVICE - SPECIAL FEES (1) Same-day processing of corporate documents is available during counter-service hours (8:30-11:30 a.m., 1:00-3:30 p.m.) at the offices of the corporations division. Expedited services available include charter document review and filing, name reservation review and filing, document certification, document copying, processing of service-of-process filings, trademark filings and other services related to corporations records and filings. Special service fees apply to expedited services.

Because of limited staff, the corporations division reserves the right to limit the provision of counter service without notice or to limit the number of service requests submitted by one person during one day.

During counter-service hours, there is no charge for inspection and review of active corporate records and document drop-off ("Receipt" stamped only without review).

(2) Fees for same-day services provided in-person, over-the-counter at the corporations division are as follows per document:

(a) A copy of corporate or other records: Five dollars expedited service plus statutory fees (one dollar for first page copied, twenty cents per page thereafter);

(b) Certificate or certified copies: Five dollars expedited service fee plus statutory fee (\$5.00 each certificate, plus twenty cents per page copied);

(c) Same-day processing of corporate charter documents, such as articles of incorporation, amendments, mergers, dissolutions, qualification of foreign corporation: Ten dollars expedited service fee per set of documents, in addition to statutory fees for the form of the filing;

(d) Same-day processing of name reservation or registration requests: Ten dollars expedited service fee, plus

regular statutory filing fee for each action or document processed;

(e) Processing of trademark filing, same-day basis: Ten dollars expedited service fee, plus statutory fee for the form of the filing, for each action or document processed;

(f) Processing of service-of-process on the Secretary of State under Ch. 23A RCW or RCW 46.64.040, on a same-day basis: Ten dollars expedited service fee, in addition to statutory \$25.00 service-of-process fee, for each action or document filed;

(g) Same-day processing of any other documents or materials submitted for filing under the corporations, trademarks or limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action or document processed;

(h) Search of non-active corporation or trademark archival files (corporations dissolved, merged out of existence or otherwise defunct): Ten dollars expedited search fee, for each request.

(3) Special service fees, as established above, will be charged when same-day, over-the-counter service is requested. (Allow four-hour turn-around time for same-day service.) If the Office of the Secretary of State is unable to complete the requested action, by approval, denial or other definite disposition of the matter, by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.

(4) All requests for special services must be made or received during counter-service hours at the corporations division offices, 8:30-11:30 a.m., and 1:00-3:30 p.m., Monday - Friday.

NEW SECTION

WAC 434-50-040 FEE PREPAYMENT, WHEN REQUIRED (1) The following fees due to the Office of the Secretary of State must be prepaid (check or money submitted concurrently with the document(s)) before action can be taken:

(a) Filing fees, under RCW 23A, RCW 18, RCW 23 and RCW 24;

(b) Corporate annual license fees;

(c) Trademark filing fees;

(d) Special service fees for expedited document processing;

(e) Service-of-process fees;

(f) Copy or copying charges;

(g) Certificate or certified copy charges;

(h) Special archival search service fees;

(i) Document resubmission fees or dishonored check fees;

(j) Purchase of publications, such as the corporate laws or microfiche subscription.

(2) Anyone desiring a certificate, certified copies or photocopies or other service for which the statutes have set a variable rate may send in their request accompanied by a check made payable to the "Secretary of State." If the exact fee is unknown, insert the phrase "not to exceed \$10.00" above the space intended for the

written dollar amount. The clerk who processes the request will fill in the exact fee amount. A memo indicating the exact amount filled in on the check will accompany the returned certificate or other document.

NEW SECTION

WAC 434-50-045 MISCELLANEOUS CHARGES - SPECIAL SERVICE FEES (1) *Dishonored Checks.* If a person, corporation or other submitting entity has attempted to pay any fee due to the Secretary of State by means of a check, and the check is dishonored by the financial institution when presented, the Secretary of State will impose a seven-dollar reprocessing fee, payable to the Secretary of State.

In the event a valid replacement check is not received in the Office of the Secretary of State within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

(2) *Error in Document - Resubmission Fees.* If a person, corporation or other entity submits a document for filing to the Office of the Secretary of State and the document contains one or more of the errors listed below, sub-sections (a) - (e), a three-dollar resubmittal fee to cover postage and handling will be charged each time the Office of the Secretary of State must return the documents to sender for correction or completion and the corrected documents are subsequently resubmitted to the Office of the Secretary of State for action. Reasons for document rejection which will trigger a resubmission fee are:

(a) Submission of corporate charter document(s) lacking required signature(s) on any copy of the document, or not accompanied by supportive documents, such as certificate of good standing, second set of charter documents;

(b) Submission of corporate charter document(s) without required filing or license fees;

(c) Submission of corporate charter documents which fail to state a registered office address or to appoint a registered agent, if the document filing is of a type which requires such designation (i.e., articles of incorporation), or if agent's signed consent to serve is not included;

(d) Submission of articles of incorporation wherein the name of the corporation is not consistently spelled in the same manner throughout the articles (i.e., where page one refers to the "ABC Company," but page six refers to "ABCD Company").

(e) Submission of documents wherein the capital value is inconsistent, or failure to set an aggregate value for non-par shares.

(3) The Office of the Secretary of State may provide certain photocopies free of charge as a cost-effective measure and convenience of office administration.

NEW SECTION

WAC 434-50-050 ORIGINAL SIGNATURE REQUIREMENT - ORIGINAL RETAINED RCW 23A.04.010(16) and related sections in the Washington profit and non-profit corporation statutes permit documents which are to be submitted to the Office of the

Secretary of State in duplicate original form to be submitted as "one original with original signatures and one copy thereof." In the case of documents submitted with only one original-signature version and one copy thereof, the Office of the Secretary of State will retain as its official file copy, the document version bearing the original signature(s), and will return to the submitter that document version bearing the copy of the signature(s).

NEW SECTION

WAC 434-50-055 REGISTERED OFFICE ADDRESS - REQUIREMENTS By law, the registered office address for a corporation registered in Washington State must be at a geographic location in this state. However, under certain circumstances, a post office box address may be used in conjunction with the registered office address. A post office address may be used when: (1) The registered agent states to the Office of the Secretary of State that the U.S. Postal Service cannot or will not deliver to the "street address," and that the agent will therefore not receive mail communications from the Office of the Secretary of State, including the annual license fee billing; and

(2) The post office box address the agent desires to use is in the same Washington city or town as the registered office address; and

(3) The agent agrees to notify the Office of the Secretary of State and the corporation of any changes in address, whether the official registered office address or of the mail (post office box) address.

NEW SECTION

WAC 434-50-900 EFFECTIVE DATE These emergency regulations shall take effect on July 1, 1982.

**WSR 82-14-054
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 82-73—Filed June 30, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is restrictions in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult Canadian and Puget Sound origin chinook. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish hatchery. Restrictions in Areas 6B, 9, 10, 10A, 10B, 10C and the Cedar River provide protection for Lake Washington sockeye until harvestable numbers are documented. Restrictions in Areas 10D, 12D, 13A, Minter Creek, Skagit River, and

the White River provide protection for local chinook stocks.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-204 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Areas 4B, 5, and 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.

*Areas 6, 6A, 7, 7A, and 7D – All gill net gear restricted to 5-7/8-inch maximum mesh, when open.

*Area 7C – Effective July 2, closed to all commercial fishing southeasterly of a line projected from the mouth of Oyster Creek 237 degrees true to a fishing boundary marker on Samish Island.

*Areas 6B, 9, 10, and 10A – Effective July 2, gill nets restricted to 6-1/2-inch minimum mesh and other gear must release all sockeye, when open.

*Areas 10B, 10C, and 10D – Effective July 2, closed to all commercial fishing.

*Area 12D – Effective July 2, closed to all commercial fishing.

Area 13A – Closed to all net fishing through July 31, 1982, in that portion north of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove.

*Cedar River – Effective July 2, closed to all commercial fishing.

Minter Creek – Closed to all net fishing through July 31, 1982.

*Samish River – Effective July 2, closed to all commercial fishing.

Skagit River – Closed to all net fishing from the Hamilton Boat Ramp upstream to Old Faber Ferry Landing above Concrete through July 7, 1982. Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.

White River – Closed to all commercial fishing through July 31, 1982.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-203 Puget Sound Commercial Fishery Restrictions (82-65)

WSR 82-14-055

EMERGENCY RULES HIGHER EDUCATION PERSONNEL BOARD

[Order 96—Filed July 1, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Central Washington University, Ellensburg, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd WAC 251-10-140 Immediate dismissal.
Amd WAC 251-22-090 Annual leave—Cash payment.
New WAC 251-22-091 Annual leave—Separation.

We, the Higher Education Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is at the close of the 1982 regular session, ESB 5007 was enacted to be effective July 1, 1982. Sufficient time was not available for the board to comply with APA requirements and adopt these rules on a permanent basis prior to July 1, 1982.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 17, 1982.

By Douglas E. Sayan
Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-090 ANNUAL LEAVE—CASH PAYMENT. ((Cash payment for unused accumulated annual leave must be made to an employee who has completed six months of continuous employment under the following conditions:

(1) Upon written resignation, with a minimum of two calendar weeks notice. The employing official may waive the notice period.

(2) Upon separation by death, retirement, layoff or dismissal of an employee.) No lump sum cash payment for unused vacation leave shall be made upon termination of employment except for vacation leave earned prior to July 1, 1982, except classified employees whose employment is terminated by their death who have completed six months of continuous employment shall have such accrued annual leave paid to their estate.

NEW SECTION

WAC 251-22-091 ANNUAL LEAVE—SEPARATION. Classified employees who have completed six continuous months of employment, and who separate by retirement, resignation, layoff or dismissal shall be allowed to use all accumulated annual leave prior to their separation.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-10-140 IMMEDIATE DISMISSAL. When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. Provisions must be made to permit affected employees to use all accumulated annual leave as provided in WAC 251-22-091.

**WSR 82-14-056
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 82-72—Filed July 1, 1982]**

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

This action is taken pursuant to Notice No. WSR 82-13-085 filed with the code reviser on June 22, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-015 GENERAL DEFINITIONS—
((BEAM)) TRAWL GEAR. ((Beam trawl" shall be defined as a bag-shaped trawl net not utilizing weighted otter frames or otter doors when operated, with minimum mesh size 4 1/2 inches in a food fish fishery or 1 1/2 inches in the shrimp fishery.)) (1) "Otter trawl" shall be defined as a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels. Otter trawl nets may be used both on and off the seabed. Otter trawl nets may be fished with or without trawl doors, and may employ warps or cables to direct fish. Otter trawl nets are restricted to the following three categories:

(a) "Bottom trawl" means an otter trawl in which the otter boards or the footrope of the net contact the seabed, and includes Danish and Scottish seine gear.

(b) "Roller trawl" or "bobbin trawl" are identical, and mean an otter trawl with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which protects the net during fishing on the seabed.

(c) "Pelagic trawl" means an otter trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed. Pelagic trawl nets may not have footropes protected at the trawl mouth with rollers, bobbins, or discs.

(2) "Beam trawl" shall be defined as a bag-shaped trawl net not utilizing weighted otter frames or otter doors when operated. The minimum mesh size for beam trawl nets is four and one-half inches in a food fish fishery and one and one-half inches in a shrimp fishery, unless otherwise provided.

(3) "Shrimp trawl" shall be defined as a tapered, funnel-shaped trawl net in which the mesh size is two inches or less in the intermediate and codend sections of the trawl. Otter doors or boards are used to spread the mouth of the net horizontally as it is towed. The mouth of the net is formed on the upper edge by a line to which floats are attached (headrope) and on the lower edge by a line which is usually weighted (footrope). Additional webbing is frequently attached to the codend section to prevent the net from chafing.

(4) "Scallop dredge" shall be defined as trawl gear with interlocking metal ring meshes, which is legal gear for harvest of scallops.

(5) "Codend" shall be defined as the terminal, closed end of a trawl net.

(a) Single-walled codend is a codend constructed of a single wall of webbing knitted with single-ply mesh, or with double-ply mesh (double twine tied into a single knot).

(b) Double-walled codend is a codend constructed of two walls of webbing. The double-walled portion of the

codend must be tied knot-to-knot to the trawl net, and may not be longer than twenty-five trawl meshes or twelve feet, whichever is greater. The use of double-walled codends is unlawful in pelagic trawls, roller trawls, and bobbin trawls.

(6) "Chafing gear" shall be defined as webbing or other material attached to the bottom (underside) or around the codend of a trawl net to protect the codend from wear. Chafing gear must not be connected to the terminal (closed) end of the codend.

(7) "Trawl riblines" shall be defined as heavy ropes or lines that run down the sides, top or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

(8) "Trawl mesh size" shall be defined as the distance between the inside of one knot and the inside of the opposite vertical knot in trawl mesh. Minimum trawl mesh size requirements are met if a wedge of legal size can be passed without undue force through sixteen of twenty sets of two meshes each of wet mesh in the codend.

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-090 DEFINITIONS—SET LINE. "Set line" shall be defined as a ((line)) stationary, buoyed, and anchored ground line with ((baited)) hooks attached ((thereto, laid on the bottom or held in suspension, either anchored or tied to shore, and attached to a marker buoy to which shall be affixed the license number under which the gear is operated)).

NEW SECTION

WAC 220-16-126 TROLL SPREAD. "Troll spread" shall be defined as a readily detachable line more than 4 inches in length, which has one or more lures attached to it, and is attached to the main troll line which cannot be removed from the vessel during its operation.

AMENDATORY SECTION (Amending Order 866, filed 6/12/70)

WAC 220-16-145 DEFINITIONS—BOTTOM-FISH POT. "Bottomfish pot" shall be defined as a portable ((trap)), enclosed device with one or more gates or entrances ((ways, with line)) and one or more lines attached to ((a)) surface ((buoy to which shall be affixed the license number under which the gear is operated and used for the purpose of taking any species of bottomfish. A section of one vertical wall must be constructed of cotton fiber or one of the walls of synthetic fiber must be attached to the frame with cotton hangings to permit escapement of fish if the bottomfish pot is lost.)) floats. Bottomfish pots must have biodegradable escape panels constructed with #21 or smaller untreated cotton twine in such a manner that an opening at least eight inches in diameter results when the twine deteriorates.

AMENDATORY SECTION (Amending Order 82-6, filed 1/19/82)

WAC 220-16-315 GENERAL DEFINITIONS

NET MESH MEASUREMENT. The size of a mesh of any net shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh when the mesh is stretched vertically, while wet, by using a tension of ten pounds on any three consecutive meshes, then measuring the middle mesh of the three while under tension((, except when measuring mesh used in otter trawl and shrimp trawl nets, the size of a mesh shall be defined as the distance between the inside of one knot to the inside of the opposite vertical knot)); trawl net mesh – see WAC 220-16-015.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 220-16-070 DEFINITIONS—OTTER TRAWL.

(2) WAC 220-16-130 DEFINITIONS—SHRIMP TRAWL.

(3) WAC 220-16-132 SCALLOP—DREDGE.

AMENDATORY SECTION (Amending Order 80-45, filed 6/11/80)

WAC 220-22-410 MARINE FISH-SHELLFISH MANAGEMENT AND CATCH REPORTING AREAS, COASTAL WATERS. (1) Area 50 shall include waters of the Bering Sea north of the Aleutian Islands.

(2) Area 51 shall include waters south of the Aleutian Islands and west of longitude 159° W.

(3) Area 52 shall include waters west of longitude 154° W and east of Area 51.

(4) Area 53 shall include waters west of longitude 147° W and east of Area 52.

(5) Area 54 shall include waters west of longitude 137° W and east of Area 53.

(6) Area 55 shall include waters north of latitude 54° 40' N and east of Area 54.

(7) Area 56 shall include waters north of latitude 50° 30' N and south of Area 55.

(8) Area 57 shall include waters north of latitude 48° 26' N and south of Area 56.

(9) Area 58A shall include waters north of the United States—Canada boundary and south of Area 57.

(10) Area 58B shall include waters west of a line projected 220° True southwest from the equidistant point between the United States and Canada along the Cape Flattery to Bonilla Point line, north of a line projected true west from Point Grenville and south of Area ((57)) 58A.

((10))) (11) Area 59 shall include waters east of the 220° True line, west of a line from Cape Flattery to Bonilla Point, and north of a line true west from Point Grenville.

((11))) (12) Area 60A shall include waters north of a line projected true west from the Washington—Oregon boundary in the Columbia River, and south of Areas 58 and 59, exclusive of the Columbia River estuary, Grays Harbor and Willapa Bay.

((+2))) (13) Area 60B shall include the waters of Grays Harbor east of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

((+3))) (14) Area 60C shall include the saltwater areas of Willapa Bay east of a line from Leadbetter Point to Cape Shoalwater light.

((+4))) (15) Area 60D shall include waters of the Columbia River east of a line projected from the inshore end of the north jetty in the state of Washington to the knuckle of the south jetty in the state of Oregon, and west of the Megler-Astoria Bridge.

((+5))) (16) Area 61 shall include waters north of latitude 42° 00' N, and south of Area 60A, exclusive of the Columbia River estuary.

((+6))) (17) Area 62 shall include waters north of latitude 38° 00' N, and south of Area 61.

((+7))) (18) Area 63 shall include waters north of latitude 32° 00' N, and south of Area 62.

((+8))) (19) Area 64 shall include all waters south of Area 63.

((+9))) (20) This WAC will not apply to hardshell clams, oysters, or geoducks.

AMENDATORY SECTION (Amending Order 82-6, filed 1/19/82)

WAC 220-44-030 COASTAL BOTTOMFISH GEAR. ((+1))) It is unlawful to take, fish for, possess, transport through the waters of the state or land in any Washington state ports, bottomfish taken for commercial purposes in coastal or Pacific Ocean waters with any gear except as provided in ((subsection (8) of)) this section ((or as follows)):

((+a))) (1) Otter trawl and beam trawl.

((+b)) Set lines.

((+c)) Hand line jig gear.

((+d)) Troll lines.

((+e)) Bottomfish pots.

(2) In fishing with hand line jig gear within state waters, it is unlawful to use more than three hooks per license with a maximum of six hooks per vessel.

(3) In fishing with set lines within state waters, it is unlawful to use more than three lines and more than 500 hooks per line.

(4) It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 220-20-010(5).

(5) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

(6) It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license, provided, in any coastal waters it is lawful to retain for commercial purposes any species of bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery.

(7) It is unlawful to use, operate, or carry aboard any fishing vessel, otter trawl gear having meshes measuring less than 3 inches, except that it is lawful to use otter trawl nets having a minimum mesh size of 2-1/2 inches when fishing for Pacific halibut.

(8) It is lawful in any coastal waters to retain for commercial purposes any species of bottomfish taken with shrimp trawl or scallop dredge gear incidental to a lawful shrimp or scallop fishery.))

(a) It is unlawful to use, operate or carry aboard any fishing vessel otter trawl gear having meshes measuring less than 3 inches.

(b) Effective January 1, 1983, it is unlawful to use or operate any bottom trawl having meshes less than 4.5 inches. A bottom trawl must have a minimum of two continuous riblines sewn to the net and extending from the mouth of the trawl net to the terminal end of the codend if the fishing vessel is simultaneously carrying aboard a net of less than 4.5-inch minimum mesh size.

For all bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(c) Effective January 1, 1983, it is unlawful to use or operate a roller or bobbin trawl with meshes less than 3.0 inches. It is unlawful to use a double wall codend in any roller or bobbin trawl. Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches. Rollers, bobbins, or discs used in roller or bobbin trawls must be a minimum of 14 inches in diameter.

(d) Effective January 1, 1983, it is unlawful to use or operate a pelagic trawl with meshes less than 3.0 inches. It is unlawful to use a double wall codend in any pelagic trawl. Chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6 inches. Footropes of pelagic trawls must be less than 1.75 inches in diameter, including twine necessary for seizing material. Sweelines, including the bottom leg of the bridle, must be bare.

(2) Set lines. In fishing with set lines within state waters, it is unlawful to use more than three lines and more than 500 hooks per line. It is unlawful for the operator of set lines to leave such gear unattended unless marked as provided in WAC 222-16-090. Set lines must be attended at least once every seven days. Set lines must be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy displaying clear identification of the owner or operator.

(3) Bottomfish pots. It is unlawful for the operator of bottomfish pots to leave such gear unattended unless marked as provided in WAC 220-16-145. Bottomfish pots must be attended at least once every seven days. Bottomfish pots set individually must be marked at the surface with a pole and a flag, light, or radar reflector, and a buoy displaying clear identification of the owner. Bottomfish pots laid on a groundline must be marked at the surface at each terminal end of the groundline with a pole and a flag, light, and radar reflector, and a buoy displaying clear identification of the owner or operator.

(4) Hand line jig gear. In fishing with hand line jig gear within state waters, it is unlawful to use more than three hooks per license with a maximum of six hooks per vessel unless otherwise authorized by a permit from the director of the department of fisheries.

(5) Troll lines. It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line

gear under authority of a bottomfish troll license, except that in any coastal waters it is lawful to retain for commercial purposes any species of bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery.

(6) Shrimp trawls. It is unlawful in any coastal waters, to retain for commercial purposes more than 1,500 pounds per day of any bottomfish species other than Pacific whiting, shortbelly rockfish or arrowtooth flounder taken with shrimp trawl gear incidental to a lawful shrimp fishery.

(7) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

AMENDATORY SECTION (Amending Order 81-3, filed 1/7/81)

WAC 220-44-040 COASTAL BOTTOMFISHING SEASONS. (1) It ((shall be)) is lawful to take, fish for and possess for commercial purposes bottomfish in coastal waters taken with gear described in WAC 220-44-030 all year in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59, 60A and 61, ((and that portion of 58 within the United States 200 mile fishery conservation zone,)) unless otherwise provided.

(2) It ((shall be)) is unlawful to possess or transport through the waters of the state, or land in any Washington state ports, any Pacific ocean perch (*Sebastes alutus*) taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59, 60A, and 61 ((and that portion of Area 58 within the United States 200 mile fishery conservation zone,)), in amounts in excess of ((+0,000)) 5,000 pounds or 10 percent of the total weight of fish on board, whichever is greater.

NEW SECTION

WAC 220-48-001 PUGET SOUND BOTTOMFISH GEAR. It is unlawful to fish for bottomfish for commercial purposes in Puget Sound with any gear except as follows:

(1) Beam trawl and otter trawls, which include bottom trawl, roller trawl, and pelagic trawl.

(2) Set lines.

(3) Hand line jig.

(4) Troll lines.

(5) Drag seines.

(6) Bottomfish pots.

(7) Set nets, which include Pacific cod set nets and dogfish set nets.

NOTE: Gear specifications and seasons are provided for in the rest of chapter 220-48 WAC.

NEW SECTION

WAC 220-48-005 PUGET SOUND BOTTOMFISH—GENERAL PROVISIONS. (1) It is unlawful to retain for commercial purposes any species of dab or

sole less than 12 inches in length taken by any commercial bottomfish gear in Marine Fish-Shellfish Area 20A from March 1 through April 15.

(2) It is unlawful to take, fish for, or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial bottomfish gear in all Puget Sound Marine Fish-Shellfish Areas.

(3) It is unlawful to take or possess lingcod with any gear the entire year in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 25B, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D.

(4) It is unlawful to take or possess lingcod with any gear from December 1 through April 14 in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, 23, and 25A.

(5) It is unlawful to take, fish for or possess any species of shellfish taken with lawful bottomfish gear except as provided in WAC 220-52-053, 220-52-063, 220-52-066, 220-52-069, and 220-52-071.

(6) It is unlawful to return any dogfish or ratfish taken by commercial bottomfish gear to the waters of that portion of Puget Sound Marine Fish-Shellfish Area 25A (Discovery Bay) southerly of a line projected from Diamond Point to Cape George.

NEW SECTION

WAC 220-48-011 BEAM TRAWL AND OTTER TRAWL—GEAR. (1) Mesh sizes. It is unlawful to use or operate beam trawls or otter trawls having mesh size in the codend section less than 4 1/2 inches in waters of Puget Sound, unless otherwise provided.

(a) It is lawful to use or operate bottom trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Catch Reporting Areas 28A, 28B, 28C, and 28D, during December 1 through March 31, and in Area 20A from March 1 through April 15.

(b) It is lawful to use or operate roller trawl gear having mesh size in the codend section of not less than 3 inches in Marine Fish-Shellfish Catch Reporting Area 20A from March 1 through April 15.

(c) It is lawful to use or operate pelagic trawl gear having mesh size of not less than 2 inches while fishing for Pacific hake during the season provided in WAC 220-48-017(1), and not less than 3 inches while fishing for walleye pollock during the season provided in WAC 220-48-017(2).

(2) Chafing gear.

(a) For bottom trawls, chafing gear must have a minimum mesh size of 15 inches unless only the bottom one-half (underside) of the codend is covered by chafing gear.

(b) For roller trawls and pelagic trawls chafing gear covering the upper one-half (top side) of the codend must have a minimum mesh size of 6.0 inches.

NEW SECTION

WAC 220-48-015 BEAM TRAWL AND BOTTOM TRAWL—SEASONS. (1) It is lawful to take, fish for and possess bottomfish taken with bottom trawl

and beam trawl gear in Marine Fish-Shellfish Catch Reporting Areas 20A, 20B, 21A, 22A, 23, 25A, and 25B the entire year with the following exceptions:

(a) Those waters of Marine Fish-Shellfish Catch Reporting Areas 20A and 21A east of a line projected from Point Whitehorn to Sandy Point shall be closed the entire year.

(b) Washington Harbor (Sequim Bay) and that portion of Discovery Bay lying southerly of a line projected from Mill Point true east to the opposite shore shall be closed the entire year.

(c) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear in that portion of Marine Fish-Shellfish Catch Reporting Area 25A lying southerly of a line projected from Diamond Point to Cape George during the period February 15 through November 30 each year.

(2) It is lawful to take, fish for and possess bottomfish with bottom trawl and beam trawl gear in Marine Fish-Shellfish Catch Reporting Areas 22B, 24A, 24B, 26A, 26B, and 26D from April 15 through February 15 with the following exceptions:

(a) Those waters of Area 24A east of a line from Polnell Point on Whidbey Island to Rocky Point on Camano Island, and west of a line from Strawberry Point on Whidbey Island to Brown Point on Camano Island, are closed except from June 15 through February 15.

(b) Holmes Harbor south of a line projected true west from Hackney Island to Whidbey Island is closed, except from January 3 through February 15.

(c) Elliot Bay inside a line projected from Four Mile Rock to Alki Point is closed the entire year.

(d) Those waters of Area 26D inside lines projected from Dash Point to Point Piner on Maury Island, and from Point Dalco on Vashon Island to Point Defiance, and those waters south of a line true west from Point Defiance to the Kitsap Peninsula are closed the entire year.

(e) Those waters provided for in WAC 220-20-020(4).

(f) It is lawful to take, fish for and possess Pacific hake taken with bottom trawl and beam trawl gear the entire year.

(3) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl and beam trawl gear for commercial purposes in Marine Fish-Shellfish Catch Reporting Areas 27A, 27B, and 27C except on Mondays and Thursdays from December 1 through February 28.

(4) It is lawful to take, fish for and possess bottomfish taken with bottom trawl and beam trawl gear in Marine Fish-Shellfish Catch Reporting Areas 28A, 28B, 28C, and 28D from December 1 through March 31, with the exception of the following closed waters:

(a) Those waters of Hale Passage and the Narrows east and north of lines projected from Fox Point on Fox Island true east to the mainland, and from the northwest point on Fox Island true north to the mainland.

(b) Budd Inlet south of the northern boundary of the restricted berthing area shown on United States Coast Guard Chart No. 6460.

(c) Eld Inlet south and west of a line projected true south from Flapjack Point.

(d) Totten Inlet south and west of lines projected true north and true east from the outermost point on the west side of Gallagher Cove.

(e) Henderson Inlet south of a line projected true east from Dickerson Point; the waters inside Hartstene Island between lines projected from Unsal Point to Brisco Point and Salmon Point true east to Hartstene Island; and all of Hammersley Inlet.

(5) It is unlawful to take, fish for or possess bottomfish taken with bottom trawl or beam trawl gear for commercial purposes in Marine Fish-Shellfish Catch Reporting Areas 21B and 26C the entire year.

NEW SECTION

WAC 220-48-017 PELAGIC TRAWL—SEASONS. It is lawful to take, fish for and possess bottomfish taken with pelagic trawl gear:

(1) All year in Marine Fish-Shellfish Catch Reporting Areas 22B, 24A, 24B, 26A, 26B, and 26D.

(2) March 1 through April 15 in Marine Fish-Shellfish Catch Reporting Area 20A.

(3) In any area at any time so designated by a permit issued by the director of the department of fisheries.

NEW SECTION

WAC 220-48-019 ROLLER TRAWL—SEASONS. It is lawful to use roller trawls in the same areas and during the same seasons as bottom trawl.

NEW SECTION

WAC 220-48-025 SET NET—PACIFIC COD—GEAR. (1) It is lawful to take, fish for and possess Pacific cod with the following set net gear:

(a) Maximum three nets per vessel, each net having a length not to exceed 600 feet.

(b) Net mesh must not be less than 5 inches.

(c) Net depth must not exceed 25 meshes.

(2) Pacific cod set net tags, issued by the department of fisheries, must be affixed to buoys on each end of each net.

NEW SECTION

WAC 220-48-026 SET NET—PACIFIC COD—SEASONS. It is lawful to take, fish for and possess Pacific cod and other species of bottomfish, except halibut, salmon and shellfish, taken with Pacific cod set net gear for commercial purposes in Area 25B from January 15 through April 15, except in those waters west of a line projected from Point Hudson to Marrowstone Point and north of the Indian Island Bridge, the open season is February 1 through March 31.

NEW SECTION

WAC 220-48-028 SET NET—DOGFISH—GEAR. (1) It is lawful to take, fish for and possess dogfish with set net gear as described below:

(a) Maximum four nets, per vessel each net having a length not to exceed 1,000 feet.

- (b) Net depth must not exceed 25 meshes.
- (c) Net mesh must not be less than 5 inches.
- (d) Net web material must be no finer than 210/30 denier nylon which is regular seine thread size number 12, or 0.048 inches in diameter.
- (e) Dogfish set net tags, issued by the department of fisheries must be affixed to buoys on each end of each net.

NEW SECTION

WAC 220-48-029 SET NET—DOGFISH—SEASONS. It is lawful to take, fish for and possess dogfish and other species of bottomfish, except halibut, salmon and shellfish, taken with set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Areas during the seasons provided hereinafter in each respective area:

(1) Areas 20A and 20B and that portion of 21A west of a line from Sandy Point to Point Migley – November 1 through June 15.

(2) Area 21A east of a line from Sandy Point to Point Migley – March 1 through June 15.

(3) Areas 21B, 22A, 22B – Closed all year.

(4) Area 23 – Open all year.

(5) Area 24A – Open all year, except those waters south of a line projected due east of East Point on Whidbey Island are closed November 1 through April 30.

(6) Area 24B – Open all year.

(7) Area 25A – Open all year, except those waters south of a line between Cape George and Diamond Point are closed all year except by permit issued by the director.

(8) Area 25B – Open all year, except those waters west of a line from Point Hudson to Marrowstone Point and north of the Indian Island Bridge shall be closed from April 1 through January 31.

(9) Area 26A – Open all year, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(10) Area 26B – Open all year, except those waters west of a line from Point Monroe to the entrance of Miller Bay are closed January 15 through April 30.

(11) Area 26C – Open all year, except those waters north of a line projected true east of Point Bolin are closed January 15 through April 30.

(12) Area 26D – Open all year, except those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco on Vashon Island to Point Defiance and true west from Point Defiance to the Kitsap Peninsula are closed all year.

(13) Areas 27A, 27B, and 27C – Open all year.

(14) Area 28A – Open all year, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(15) Areas 28B, 28C, and 28D – Open all year.

NEW SECTION

WAC 220-48-031 SET LINE—GEAR. It is lawful to take, fish for, and possess bottomfish with set line gear as described below:

(1) Three set lines per license, having not more than 500 hooks per line.

(2) Hook size must not be smaller than 7/0.

(3) Gangions made of single strand monofilament synthetic material are unlawful.

(4) Set lines must be marked at the surface at each terminal end as described in WAC 220-20-010(5).

NEW SECTION

WAC 220-48-032 SET LINE—SEASONS. It is lawful to take, fish for, and possess dogfish and other bottomfish with set lines in all Marine Fish-Shellfish Catch Reporting Areas the entire year.

NEW SECTION

WAC 220-48-041 HAND LINE JIG—GEAR. It is lawful to take fish, for, and possess bottomfish with hand line jig gear so long as no more than 3 hooks per license or 6 hooks per vessel may be used unless otherwise authorized by a permit from the director.

NEW SECTION

WAC 220-48-042 HAND LINE JIG—SEASONS. It shall be lawful to take, fish for, and possess bottomfish for commercial purposes with hand line jig gear in Marine Fish-Shellfish Catch Reporting Area 23 the entire year. All other Marine Fish-Shellfish Areas are open from April 1 through November 30.

NEW SECTION

WAC 220-48-051 TROLL LINES—BOTTOMFISH—GEAR. It is lawful to take, fish for, and possess bottomfish with troll line gear as specified below, unless otherwise provided:

(1) No more than two troll lines per vessel.

(2) No more than four spreads per line.

(3) The top spread can not be more than twenty-four feet from the weight on the end of the line.

NEW SECTION

WAC 220-48-052 TROLL LINES—BOTTOMFISH—SEASONS. (1) It is lawful to take, fish for, and possess bottomfish, unless otherwise provided, with troll lines in Area 23 the entire year. All other Marine Fish-Shellfish Catch Reporting Areas are open from April 1 through November 30.

(2) It is unlawful to take, fish for or possess salmon while fishing for bottomfish with troll line gear under authority of a bottomfish troll license, provided; in any waters of Puget Sound it is lawful to retain for commercial purposes bottomfish taken with commercial salmon gear incidental to a lawful salmon fishery, except lingcod during closures provided in WAC 220-48-005.

NEW SECTION

WAC 220-48-061 DRAG SEINES—GEAR. It is lawful to take, fish for, and possess bottomfish, unless otherwise provided, with drag seine or beach seine gear as described below:

- (1) Seines must not be longer than 350 feet in length.
- (2) Net mesh must not be smaller than 1/2 inch stretch measure.

NEW SECTION

WAC 220-48-062 DRAG SEINES—SEASONS. It is lawful to take, fish for, and possess bottomfish with drag seine gear for commercial purposes in the following Marine Fish-Shellfish Catch Reporting Areas during the seasons designated below:

- (1) Areas 28A, 28B, 28C, and 28D – January 1 through May 14.
- (2) All other areas – September 1 through May 14.

NEW SECTION

WAC 220-48-071 BOTTOMFISH POTS—GEAR AND SEASONS. It shall be lawful to take, fish for, and possess bottomfish, unless otherwise provided, for commercial purposes with bottomfish pot gear as described in WAC 220-16-145, in all Marine Fish-Shellfish Catch Reporting Areas the entire year.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) **WAC 220-48-080 PUGET SOUND BOTTOMFISH GEAR.**
- (2) **WAC 220-48-090 OTTER TRAWL AND BEAM TRAWL SEASONS.**
- (3) **WAC 220-48-09001 SIZE LIMIT—DAB AND SOLE.**
- (4) **WAC 220-48-091 SET NET—PACIFIC COD—SEASONS.**
- (5) **WAC 220-48-092 SET NET—PACIFIC COD—GEAR.**
- (6) **WAC 220-48-095 SET NET—DOGFISH—GEAR.**
- (7) **WAC 220-48-096 SET NET—DOGFISH—SEASONS.**
- (8) **WAC 220-48-098 LINGCOD—SEASONS.**
- (9) **WAC 220-48-100 SEASONS—OTHER BOTTOMFISH GEARS.**

**WSR 82-14-057
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 379—Filed July 1, 1982]**

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to amending emergency regulations previously adopted which implement the provisions of

the Forest Products Industry Recovery Act of 1982, which is section 3 through 9, chapter 222, Laws of 1982.

I, Brian J. Boyle, Commissioner of Public Lands, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is emergency regulations were previously promulgated on May 3, 1982. These emergency amendments are necessary to make certain changes in the administration of the regulations before July 15, 1982, and the permanent regulations being adopted on this date will not become effective for 30 days. Also, these emergency amendments will bring the emergency regulations into conformity with the permanent regulations.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to section 8, chapter 222, Laws of 1982 which directs that the Commissioner of Public Lands has authority to implement the provisions of the Forest Products Industry Recovery Act of 1982.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By Brian J. Boyle
Commissioner

AMENDATORY SECTION (Amending Order 376, filed 5/3/82)

WAC 332-140-010 INTRODUCTION AND GENERAL DEFINITIONS. (1) The regulations in this chapter are promulgated by the Commissioner of Public Lands of the State of Washington to implement the Forest Products Industry Recovery Act of 1982. Unless provided otherwise herein or unless the context clearly requires otherwise, the following definitions apply to this chapter and to the act.

(a) "The act" means the Forest Products Industry Recovery Act of 1982, which is section 3 through section 9 of Chapter 222, Laws of 1982.

(b) "ARRF" means the Access Road Revolving Fund referred to in the contract and in RCW 79.38.050.

(c) "Assignment" means the assignment of rights or delegation of duties by a purchaser of a sale or contract to another.

(d) A purchaser "commences operations" on a sale by engaging in removals on that sale or by commencing road construction, falling, bucking, or other contract requirements.

(e) A timber sale contract or timber sale which was "purchased," "entered into," or "purchased at auction" in reference to certain dates specified in sections 4, 5 and 6 of the act refers to the date on which the public auction was held at which such contract or sale was offered.

(f) "Default" means, in reference to a sale, that the purchaser's operating authority on such sale has expired and on which there are forest products yet to be removed. Under section 6 of the act, a purchaser may default a sale by giving notification which specifies that the purchaser is waiving all its rights to the sale. Upon receipt of the notification by the department, the purchaser's operating authority on the sale expires.

(g) "Department" means the Department of Natural Resources of the State of Washington.

(h) "Existing," in reference to a sale, means a sale on which the operating authority has not expired and on which there are forest products yet to be removed.

(i) "Expiration date," in reference to a sale, means the date on which the operating authority expires on that sale under the terms of the contract.

(j) To "identify" a sale means to state the name of the sale and its application number.

(k) "Merchantable" forest products means those forest products included in a sale which are "merchantable" as that term is used in the contract and does not include "cull" or "utility" forest products as those terms are defined in the contract.

(l) "MBF" means thousand board feet Scribner Scale of forest products.

(m) "MMBF" means million board feet Scribner Scale of forest products.

(n) The "operating authority" on a sale refers to the dates stated in the contract during which the purchaser is to remove the forest products which are the subject of the sale.

(o) A "partial cut" sale is one other than a clearcut and on which only part of existing forest products are designated to be removed.

(p) "Performance security" means the surety bond, cash bond, savings account assignment, irrevocable bank letter of credit, or other form of security which insures the faithful performance by the purchaser of the terms of the contract.

(q) "Purchaser" means the purchaser of a sale and any affiliate, subsidiary or parent company thereof. "Affiliate" means a person, corporation or other business entity which is allied with or closely connected to another in a practical business sense, or is controlled or has the power to control the other or where both are controlled directly or indirectly by a third person, corporation or other business entity. "Affiliate" includes a joint venture. "Parent company" shall mean a corporation which owns at least a majority of shares of another corporation. The corporation whose shares are so owned is a "subsidiary" of the parent company.

Purchasers shall be required, upon request of the department, to produce satisfactory written documentation of the relationship between any two or more persons, corporations or other business entities which they or the department claim should be treated as one purchaser under the provisions of the act.

(r) "Timber sale contract," "sale contract," "contract," "timber sale," "sale of timber," and "sale" all mean the sale of and the contract to remove and pay for forest products which were sold by the department at

auction by voice or sealed bid and which had, at time of auction, a minimum appraised value of over twenty thousand dollars. The terms "sale" or "contract" shall be used in these regulations. All of the foregoing terms are considered to be synonymous as referred to in the act and these regulations.

(s) "Person" as used in section 5(2) of the act means the business entity which ((purchased the sale and executed the contract)) paid extension fees prior to the effective date of the act.

(t) "Window sale" means a sale which is referred to in subsection (2) below.

(2) Window Sales. (a) As referred to in these regulations and in sections 4, 5 and 6 of the act, sales or contracts "entered into," "purchased," or "purchased at auction" between January 1, 1978 and July 1, 1980 means those sales for which the auction was held after January 1, 1978 and before July 1, 1980.

(b) "Lincoln Day Blowdown" sales are those sales identified by the department which were prepared and sold as a result of damage to the timber caused primarily by the Lincoln Day windstorm which occurred on or about February 13, 1979. Such term does not include sales sold because of other reasons or sales sold because timber which was damaged by the Lincoln Day storm was further substantially damaged by later storms or other causes. The following sales are the only Lincoln Day blowdown sales which were auctioned from July 1, 1980 through December 31, 1980 on which there are forest products remaining to be removed:

- (i) Lower Wasankari, Application No. 40694
- (ii) Piedmont Blowdown, Application No. 42799
- (iii) Miller Road Blowdown, Application No. 42817
- (iv) 4 Corners Blowdown, Application No. 43196
- (v) Key Boundary, Application No. 42078
- (vi) Peaks Pickens, Application No. 42933
- (vii) Three Sisters Blowdown, Application No. 42493
- (viii) Little Boy Blew, Application No. 42163
- (ix) Miller Pickup Blowdown, Application No. 43474
- (x) Shay, Application No. 42133

(3) Full Reservation of Rights. These regulations are being adopted because of the presumption that enacted laws are valid. However, all existing, past and future purchasers should be aware that claims have been made that the act is invalid and that there is a possibility that the act or portions thereof may be challenged in court, even by the department or other governmental agency or entity.

Any purchaser who requests relief under the act does so at its own risk as to the validity of the act and the possibility of judicial orders or decrees affecting it. The department makes no warranty of the validity of the act and reserves the right to immediately terminate, rescind, or otherwise refuse to grant relief under the act if all or a portion of the act is declared invalid, whether such court order or decision is obtained by others or itself. The department further reserves the right to secure all rights, monies, charges, damages or claims that it would otherwise have been entitled to if the act or portions thereof are declared invalid, and to take such action as may be necessary to secure the same.

AMENDATORY SECTION (Amending Order 376, filed 5/3/82)

WAC 332-140-040 EXTENSION TIME CREDITS. This section implements section 4 of the act.

(1) **Introduction.** "Extension time credit" means the number of calendar days a purchaser receives by engaging in or agreeing to engage in the removal of forest products on a sale which qualifies under subsection (2) below. Extension time credit can be received only for removals engaged in after April 3, 1982. This credit can only be used to extend window sales which exist at the time of the application for an extension of such sale. There are two ways to receive extension time credit. First, a purchaser can "earn" the credit. The extension time credit is "earned" only after the purchaser has satisfactorily engaged in the removals. Second, a purchaser can receive "conditional" credit by agreeing to engage in removals in the future.

(2) **Sales upon which purchaser may earn credit.** The following sales are sales on which the purchaser may earn extension time credit:

(a) All sales auctioned prior to April 3, 1982, but only if and to the extent that the purchaser agrees to and engages in removals and receives a logging release on that sale prior to December 31, 1983.

(b) Sales auctioned on or after April 3, 1982, which, in the prospectus and contract, are identified by the department as sales on which extension time credit may be earned, but only if and to the extent that the purchaser agrees to and engages in removals on that sale prior to the sale's expiration date or December 31, 1983, whichever is sooner. Up to 60% of the number of sales auctioned in 1982 and 1983 may be so designated by the department.

(3) **Amount of extension time credit.** One calendar day of extension time credit is earned for each acre of forest products which the purchaser satisfactorily removes and for which a logging or operating release has been issued, except that on partial cut sales or units on which less than 10MBF/acre is satisfactorily removed, the following schedule shall be used to compute the number of days of extension time credit which may be earned:

Department's presale cruise volume of forest products (average board feet per acre)	Acres of forest products to be removed to earn one day of Extension Time Credit
9,000 to 9,999	1.1
8,000 to 8,999	1.2
7,000 to 7,999	1.4
6,000 to 6,999	<u>((+5))1.7</u>
5,000 to 5,999	2.0
4,000 to 4,999	2.5
3,000 to 3,999	3.3
2,000 to 2,999	5.0
Less than 2,000	10.0

Extension time credit will be computed on the foregoing basis, ((despite)) whether the removal of the forest products actually takes a longer or shorter time. The volume of forest products and acreage of a sale shall be the volume and acreage stated in the contract. Extension time credit is earned for time spent on yarding, loading and hauling activities only and not for road construction, falling and bucking, or for other contract requirements.

(4) **Request to earn extension time credit.** To earn extension time credit on a sale qualifying under subsection (2) above, a purchaser must submit a written request to the department ((prior to commencing operations on the sale)). Extension time credit will be granted only for forest products removed on or after the day the request is received by the department. This request must identify the sale(s) on which the purchaser wishes to operate to earn extension time credit. The department shall determine the amount of extension time credit available to be earned on a sale in accordance with subsection (3) above. The department and the purchaser shall enter into a written agreement on a form provided by the department which sets forth the limitations of subsection (2) above as well as the amount of extension time credit which can be earned by engaging in such removals. The department shall establish an extension time credit account for the purchaser. After extension time credit is earned on a sale, the department will credit the purchaser's extension time credit account with the proper number of days of extension time credit. The account shall be debited from time to time as extension time credit is used under subsection (9) below. The purchaser which earns the extension time credit may not assign that credit to another purchaser.

(5) **Request to receive extension time credit for engaging in removals from April 3, 1982 through May 14, 1982.** If a purchaser wishes to receive extension time credit for engaging in removals from April 3, 1982 through May 14, 1982, it must submit a written request to the department on or before May 14, 1982. This request must identify the sale on which the purchaser wishes to receive the credit. The department shall determine the proper number of days of extension time credit in accordance with subsection (3) above and shall credit the purchaser's extension time credit account accordingly. If a purchaser fails to meet the foregoing deadline, it shall not receive credit for engaging in removals from April 3, 1982 up through the time it submits a request on that sale under subsection (4) above.

(6) **Conditional Extension Time Credit.** If a purchaser needs to extend a window sale and does not have a sufficient amount of extension time credit in its extension time credit account to do so, the purchaser may submit a written request to the department to receive conditional extension time credit. The request must identify the window sale to be extended and the sale on which the purchaser will agree to engage in removals to receive the conditional credit.

The department and the purchaser shall enter into an agreement, on a form provided by the department, which identifies the sale being extended, the sale on which the purchaser agrees to engage in removals, the amount of extension time credit being conditionally granted, and the date by which the purchaser must complete the removals agreed upon. Failure of the purchaser to complete the removals by the foregoing date subjects the purchaser to subsection (8) below. A purchaser which receives conditional extension time credit may not assign that credit to another purchaser.

(7) **Performance security required for agreements involving conditional credit.** An agreement extending a

sale using conditionally granted extension time credit shall be secured by the initial deposit and the performance security on the sale being extended and by the initial deposit of the sale on which the purchaser agrees to engage in removals. An adequate amount of the deposits and such security, as determined by the department, must be maintained until the purchaser completes the removals as agreed to, or can substitute the conditionally granted credit with credit actually earned after the date of the agreement referred to above.

(8) Purchaser's failure to engage in removals. If the purchaser fails to meet the completion date for removals as stated in the agreement referred to in subsection (6) above, all of the conditional extension time credit granted on that sale will be disallowed, and the sale(s) which was extended using the conditional extension time credit shall not receive such credit. The purchaser shall receive no extension time credit for the removals engaged in. The department shall notify the purchaser in writing of a failure to meet the completion date. Within 30 days of the date of mailing or personal service of this notice, the purchaser must pay for any extension granted, to the extent that it was granted using conditional credits, as that extension fee would have been computed under the contract as limited only by section 9 of the act. In addition, the purchaser shall pay an additional interest charge on the value of that portion of the extension granted using conditional credit at 12 percent per annum from the date the extension was granted through the date of actual payment by the purchaser. If the purchaser fails to make this payment within 30 days following the above notice, the purchaser's operating authority on the sale shall terminate, and the department may recover damages against the purchaser and its surety as allowed by law.

(9) Use of extension time credit to extend a window sale. (a) Credit earned and credited to the purchaser's extension time credit account may be used by the department to extend a window sale upon written application by the purchaser. Extensions under section 4 of the act will be granted only by written extension agreement. The purchaser must deliver to the department a properly executed extension agreement on or before the expiration date of the sale which the purchaser wishes to extend under section 4 of the act. Failure to meet the above deadline will disqualify the sale for an extension under section 4 of the act.

(b) The purchaser may use the extension time credit earned or conditionally granted to extend as many window sales as it selects. Sales may be extended for 3, 6, 9 or 12 months only, but the purchaser may apply as much credit as it has earned toward the extension. Extension time credit earned may be applied together with cash or road credit in any combination toward the extension fee. Conditionally granted extension time credit may also be used, but only if needed.

(c) Days of extension time credit earned shall be applied to a sale without regard to whether the extension is during the operating season, closed or winter season, or shutdowns, except that contract termination date adjustments under contract clause 14-4 may still be made.

(d) The department will grant no extension under section 4 of the act after December 31, 1983, except that the department may exercise its rights under subsection (8) above after December 31, 1983. The term of extensions granted under section 4 of the act shall not extend beyond December 31, 1984.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 376, filed 5/3/82)

WAC 332-140-060 **DEFAULTS.** This section is to implement section 6 of the act.

(1)(a) Qualifying sales. Section 6 of the act applies only to window sales which were in existence as of April 3, 1982 or for which a payment is made after April 3, 1982 under section 7 of the act to reinstate the sale.

(b) Written notification. The purchaser must provide the department with written notification on or before July 14, 1982 stating that the purchaser elects to terminate or default a sale under section 6 of the act. Such notification must state that the purchaser is giving up all of its rights under that contract as of the date of the notification. The notification must be accompanied by a sworn written statement by an authorized representative of the purchaser which identifies the names of all affiliates, subsidiaries, and parent companies of the purchaser which purchased a window sale. The department shall provide the form for this statement. The notification must also be accompanied by a \$2,500 ((cash)) administrative fee. The notification will be considered received by the department only when the fee and sworn statement are received by the department.

(c) Limitation on sales to be defaulted. The following limitations apply to the sales which a purchaser may terminate or default under section 6 of the act.

(i) The purchaser may default on the sale(s) of its choice of which it was the purchaser as of April 3, 1982 if the sale qualifies under subsection (1)(a) above and if the cumulative volume remaining on those sales for which notification is given does not exceed 15 MMBF of forest products as of the date of the notification. The volume remaining on a sale shall be computed by the department by subtracting the volume of merchantable forest products removed from the department's presale cruise volume of merchantable forest products stated in the contract.

(ii) No sales which have been assigned after April 3, 1982 may be terminated or defaulted.

(iii) Only entire sales may be defaulted. A purchaser may not default on part of a sale under section 6 and choose to retain any right to remove forest products from any part of the same sale.

(iv) A sale may be terminated or defaulted even though the purchaser has operated on it and removed forest products from the sale, subject to the further limitations of subsection (1)(d) below.

(v) A sale on which all of the forest products have been removed may not be terminated or defaulted under section 6 of the act.

(d) Limitations on defaults of sales on which operations have occurred. A sale which otherwise qualifies for termination or default under section 6 of the act and this section may be defaulted subject to the following obligations and reservations:

(i) All forest products must be paid for which were removed from the sale and all due ARRF payments and other payments due must be paid, including all payments for forest products and ARRF deferred under a Deferred Payment Agreement. The department reserves the full right to take appropriate action against the purchaser and its surety to recover all applicable damages for a failure of the purchaser to make the foregoing payments on or before the receipt of the notification of default.

(ii) All outstanding contract requirements (other than removal of forest products) which arose as a result of the purchaser's activities on the sale must be performed ((prior to the notification of default under (1)(b) above)). These requirements include, but are not limited to, slash disposal preparation work, stream cleanout, falling nonmerchantable forest products, road maintenance, ditching, waterbarring and fire trail construction. If the purchaser fails to perform the foregoing outstanding requirements, the department shall determine the current cost of performing that work and charge the purchaser therefor. If the purchaser fails to promptly pay such charges, the department may take appropriate action to recover the same from the purchaser and its surety.

(iii) The purchaser and its surety are not released from any liability or duty to indemnify the department which arose as a result of the acts or omissions of the purchaser or its delegate relating to the sale being defaulted.

(2) No refunds or credits. Upon notification under subsection (1)(b) above, the department shall make no refunds nor give any credits of any cash payments made to the department in connection with the contract which is being defaulted. Such cash payments include, but are not limited to, the initial deposit, extension fees, cash advance payments, and cash performance bonds, whether the foregoing deposits or payments are used or unused. All such sums shall be retained by the department.

(3)(a) Road credits. Upon receipt of notification under subsection (1)(b) above, the department shall compute the road credit which is provided by section 6(3) of the act. The credit shall only be allowed for ((road)) construction ((which was specifically required to be constructed under the contract. Loggers' choice roads and spurs not required to be constructed do not qualify for a road credit)) of roads that are listed under the Road Development section of the timber sale prospectus, as shown on the timber sale map.

(b) Amount of road credit. The amount of the road credit shall be determined based upon the percentage of road work satisfactorily completed in each road construction phase. The phases of road construction are those separate phases expressly identified in the road appraisal work forms used by the department in the presale appraisal. The percentages of satisfactory completion shall be applied to the road construction cost estimates

as stated in the department's road construction presale appraisal.

(c) Reduction of credit. The total amount of the road credit as computed in subsection (3)(b) above shall be reduced by the difference between the current costs, as determined by the department, of correcting road work which was unsatisfactorily performed and the cost of completing such road work as computed in the department's original presale road construction appraisal.

(d) Amortization. The amount of the road credits shall be further reduced by the same percentage as the percentage of forest products removed on that sale. The percentage of forest products removed shall be computed by dividing the volume of merchantable forest products removed by the volume stated in the contract.

(4) Application of Road Credit. (a) Road credit will be applied only upon written application of the purchaser and after the department has determined the amount of the road credit. Such credit may be applied to one-half of any required payment for stumpage, cash deposits for performance security, or extension fee on a sale. Road credits cannot be applied to the initial deposit on a sale nor to a payment made under section 7 of the act.

(b) Road credit will only be applied to sales of that purchaser which are situated on land of the same trust and beneficiary as the sale on which the road credit is given. If the sale on which the road credit is given is situated on land of more than one trust and beneficiary the total road credit for the sale shall be divided in proportion to the acreage of each trust and beneficiary and applied separately and only to sales situated on the same trust and beneficiary.

(5) A purchaser whose sale expires or expired without removing all of the forest products from the sale and which sale does not qualify to be terminated or defaulted by the purchaser under section 6(1) of the act remains fully liable to the department for whatever damages that may be recovered under law notwithstanding the provisions of the act. This includes a sale which had expired as of April 3, 1982 and which the purchaser does not reinstate under section 7 of the act on or before July 14, 1982.

**WSR 82-14-058
ADOPTED RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 380—Filed July 1, 1982]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to implementing the provisions of the Forest Products Industry Recovery Act of 1982, which is section 3 through 9 of chapter 222, Laws of 1982.

This action is taken pursuant to Notice No. WSR 82-11-090 filed with the code reviser on May 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 8, chapter 222, Laws of 1982 which directs that the Commissioner of Public Lands has authority to implement the provisions of the Forest Products Industry Recovery Act of 1982.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-140-010 INTRODUCTION AND GENERAL DEFINITIONS. (1) The regulations in this chapter are promulgated by the Commissioner of Public Lands of the State of Washington to implement the Forest Products Industry Recovery Act of 1982. Unless provided otherwise herein or unless the context clearly requires otherwise, the following definitions apply to this chapter and to the act:

(a) "The act" means the Forest Products Industry Recovery Act of 1982, which is section 3 through section 9 of Chapter 222, Laws of 1982.

(b) "ARRF" means the Access Road Revolving Fund referred to in the contract and in RCW 79.38.050.

(c) "Assignment" means the assignment of rights or delegation of duties by a purchaser of a sale or contract to another.

(d) A purchaser "commences operations" on a sale by engaging in removals on that sale or by commencing road construction, falling, bucking, or other contract requirements.

(e) A timber sale contract or timber sale which was "purchased," "entered into," or "purchased at auction" in reference to certain dates specified in sections 4, 5 and 6 of the act refers to the date on which the public auction was held at which such contract or sale was offered.

(f) "Default" means, in reference to a sale, that the purchaser's operating authority on such sale has expired and on which there are forest products yet to be removed. Under section 6 of the act, a purchaser may default a sale by giving notification which specifies that the purchaser is waiving all its rights to the sale. Upon receipt of the notification by the department, the purchaser's operating authority on the sale expires.

(g) "Department" means the Department of Natural Resources of the State of Washington.

(h) "Existing," in reference to a sale, means a sale on which the operating authority has not expired and on which there are forest products yet to be removed.

(i) "Expiration date," in reference to a sale, means the date on which the operating authority expires on that sale under the terms of the contract.

(j) To "identify" a sale means to state the name of the sale and its application number.

(k) "Merchantable" forest products means those forest products included in a sale which are "merchantable" as that term is used in the contract and does not include "cull" or "utility" forest products as those terms are defined in the contract.

(l) "MBF" means thousand board feet Scribner Scale of forest products.

(m) "MMBF" means million board feet Scribner Scale of forest products.

(n) The "operating authority" on a sale refers to the dates stated in the contract during which the purchaser is to remove the forest products which are the subject of the sale.

(o) A "partial cut" sale is one other than a clearcut and on which only part of existing forest products are designated to be removed.

(p) "Performance security" means the surety bond, cash bond, savings account assignment, irrevocable bank letter of credit, or other form of security which insures the faithful performance by the purchaser of the terms of the contract.

(q) "Purchaser" means the purchaser of a sale and any affiliate, subsidiary or parent company thereof. "Affiliate" means a person, corporation or other business entity which is allied with or closely connected to another in a practical business sense, or is controlled or has the power to control the other or where both are controlled directly or indirectly by a third person, corporation or other business entity. "Affiliate" includes a joint venture. "Parent company" shall mean a corporation which owns at least a majority of shares of another corporation. The corporation whose shares are so owned is a "subsidiary" of the parent company.

Purchasers shall be required, upon request of the department, to produce satisfactory written documentation of the relationship between any two or more persons, corporations or other business entities which they or the department claim should be treated as one purchaser under the provisions of the act.

(r) "Timber sale contract," "sale contract," "contract," "timber sale," "sale of timber," and "sale" all mean the sale of and the contract to remove and pay for forest products which were sold by the department at auction by voice or sealed bid and which had, at time of auction, a minimum appraised value of over twenty thousand dollars. The terms "sale" or "contract" shall be used in these regulations. All of the foregoing terms are considered to be synonymous as referred to in the act and these regulations.

(s) "Person" as used in section 5(2) of the act means the business entity which paid extension fees prior to the effective date of the act.

(t) "Window sale" means a sale which is referred to in subsection (2) below.

(2) Window Sales. (a) As referred to in these regulations and in sections 4, 5 and 6 of the act, sales or contracts "entered into," "purchased," or "purchased at auction" between January 1, 1978 and July 1, 1980 means those sales for which the auction was held after January 1, 1978 and before July 1, 1980.

(b) "Lincoln Day Blowdown" sales are those sales identified by the department which were prepared and

sold as a result of damage to the timber caused primarily by the Lincoln Day windstorm which occurred on or about February 13, 1979. Such term does not include sales sold because of other reasons or sales sold because timber which was damaged by the Lincoln Day storm was further substantially damaged by later storms or other causes. The following sales are the only Lincoln Day blowdown sales which were auctioned from July 1, 1980 through December 31, 1980 on which there are forest products remaining to be removed:

- (i) Lower Wasankari, Application No. 40694
- (ii) Piedmont Blowdown, Application No. 42799
- (iii) Miller Road Blowdown, Application No. 42817
- (iv) 4 Corners Blowdown, Application No. 43196
- (v) Key Boundary, Application No. 42078
- (vi) Peaks Pickens, Application No. 42933
- (vii) Three Sisters Blowdown, Application No. 42493
- (viii) Little Boy Blew, Application No. 42163
- (ix) Miller Pickup Blowdown, Application No. 43474
- (x) Shay, Application No. 42133

(3) Full Reservation of Rights. These regulations are being adopted because of the presumption that enacted laws are valid. However, all existing, past and future purchasers should be aware that claims have been made that the act is invalid and that there is a possibility that the act or portions thereof may be challenged in court, even by the department or other governmental agency or entity.

Any purchaser who requests relief under the act does so at its own risk as to the validity of the act and the possibility of judicial orders or decrees affecting it. The department makes no warranty of the validity of the act and reserves the right to immediately terminate, rescind, or otherwise refuse to grant relief under the act if all or a portion of the act is declared invalid, whether such court order or decision is obtained by others or itself. The department further reserves the right to secure all rights, monies, charges, damages or claims that it would otherwise have been entitled to if the act or portions thereof are declared invalid, and to take such action as may be necessary to secure the same.

NEW SECTION

WAC 332-140-020 EXTENSION PROCEDURE.

Requests for extensions under the act shall be in writing. Extensions will be granted only by a written extension document. Extensions granted under the act shall only be on a quarterly (3 month) basis and shall be for 3, 6, 9 or 12 months, except as provided in WAC 332-140-050(2)(c). An extension will not be granted for less time than is reasonably required, as determined by the department, to remove all of the forest products remaining on the sale being extended.

NEW SECTION

WAC 332-140-030 NEW PLAN OF OPERA-

TIONS REQUIRED. A new plan of operations must be filed and approved for all window sales on which the purchaser commences operations prior to July 15, 1982 before the purchaser commences operations.

NEW SECTION

WAC 332-140-040 EXTENSION TIME CREDITS. This section implements section 4 of the act.

(1) Introduction. "Extension time credit" means the number of calendar days a purchaser receives by engaging in or agreeing to engage in the removal of forest products on a sale which qualifies under subsection (2) below. Extension time credit can be received only for removals engaged in after April 3, 1982. This credit can only be used to extend window sales which exist at the time of the application for an extension of such sale. There are two ways to receive extension time credit. First, a purchaser can "earn" the credit. The extension time credit is "earned" only after the purchaser has satisfactorily engaged in the removals. Second, a purchaser can receive "conditional" credit by agreeing to engage in removals in the future.

(2) Sales upon which purchaser may earn credit. The following sales are sales on which the purchaser may earn extension time credit:

(a) All sales auctioned prior to April 3, 1982, but only if and to the extent that the purchaser agrees to and engages in removals and receives a logging release on that sale prior to December 31, 1983.

(b) Sales auctioned on or after April 3, 1982, which, in the prospectus and contract, are identified by the department as sales on which extension time credit may be earned, but only if and to the extent that the purchaser agrees to and engages in removals on that sale prior to the sale's expiration date or December 31, 1983, whichever is sooner. Up to 60% of the number of sales auctioned in 1982 and 1983 may be so designated by the department.

(3) Amount of extension time credit. One calendar day of extension time credit is earned for each acre of forest products which the purchaser satisfactorily removes and for which a logging or operating release has been issued, except that on partial cut sales or units on which less than 10 MBF/acre is satisfactorily removed, the following schedule shall be used to compute the number of days of extension time credit which may be earned:

Department's presale cruise volume of forest products (average board feet per acre)	Acres of forest products to be removed to earn one day of Extension Time Credit
9,000 to 9,999	1.1
8,000 to 8,999	1.2
7,000 to 7,999	1.4
6,000 to 6,999	1.7
5,000 to 5,999	2.0
4,000 to 4,999	2.5
3,000 to 3,999	3.3
2,000 to 2,999	5.0
Less than 2,000	10.0

Extension time credit will be computed on the foregoing basis, whether the removal of the forest products actually takes a longer or shorter time. The volume of forest products and acreage of a sale shall be the volume and acreage stated in the contract. Extension time credit is earned for time spent on yarding, loading and hauling activities only and not for road construction, falling and bucking, or for other contract requirements.

(4) Request to earn extension time credit. To earn extension time credit on a sale qualifying under subsection

(2) above, a purchaser must submit a written request to the department. Extension time credit will be granted only for forest products removed on or after the day the request is received by the department. This request must identify the sale(s) on which the purchaser wishes to operate to earn extension time credit. The department shall determine the amount of extension time credit available to be earned on a sale in accordance with subsection (3) above. The department and the purchaser shall enter into a written agreement on a form provided by the department which sets forth the limitations of subsection (2) above as well as the amount of extension time credit which can be earned by engaging in such removals. The department shall establish an extension time credit account for the purchaser. After extension time credit is earned on a sale, the department will credit the purchaser's extension time credit account with the proper number of days of extension time credit. The account shall be debited from time to time as extension time credit is used under subsection (9) below. The purchaser which earns the extension time credit may not assign that credit to another purchaser.

(5) Request to receive extension time credit for engaging in removals from April 3, 1982 through May 14, 1982. If a purchaser wishes to receive extension time credit for engaging in removals from April 3, 1982 through May 14, 1982, it must submit a written request to the department on or before May 14, 1982. This request must identify the sale on which the purchaser wishes to receive the credit. The department shall determine the proper number of days of extension time credit in accordance with subsection (3) above and shall credit the purchaser's extension time credit account accordingly. If a purchaser fails to meet the foregoing deadline, it shall not receive credit for engaging in removals from April 3, 1982 up through the time it submits a request on that sale under subsection (4) above.

(6) Conditional Extension Time Credit. If a purchaser needs to extend a window sale and does not have a sufficient amount of extension time credit in its extension time credit account to do so, the purchaser may submit a written request to the department to receive conditional extension time credit. The request must identify the window sale to be extended and the sale on which the purchaser will agree to engage in removals to receive the conditional credit.

The department and the purchaser shall enter into an agreement, on a form provided by the department, which identifies the sale being extended, the sale on which the purchaser agrees to engage in removals, the amount of extension time credit being conditionally granted, and the date by which the purchaser must complete the removals agreed upon. Failure of the purchaser to complete the removals by the foregoing date subjects the purchaser to subsection (8) below. A purchaser which receives conditional extension time credit may not assign that credit to another purchaser.

(7) Performance security required for agreements involving conditional credit. An agreement extending a sale using conditionally granted extension time credit

shall be secured by the initial deposit and the performance security on the sale being extended and by the initial deposit of the sale on which the purchaser agrees to engage in removals. An adequate amount of the deposits and such security, as determined by the department, must be maintained until the purchaser completes the removals as agreed to, or can substitute the conditionally granted credit with credit actually earned after the date of the agreement referred to above.

(8) Purchaser's failure to engage in removals. If the purchaser fails to meet the completion date for removals as stated in the agreement referred to in subsection (6) above, all of the conditional extension time credit granted on that sale will be disallowed, and the sale(s) which was extended using the conditional extension time credit shall not receive such credit. The purchaser shall receive no extension time credit for the removals engaged in. The department shall notify the purchaser in writing of a failure to meet the completion date. Within 30 days of the date of mailing or personal service of this notice, the purchaser must pay for any extension granted, to the extent that it was granted using conditional credits, as that extension fee would have been computed under the contract as limited only by section 9 of the act. In addition, the purchaser shall pay an additional interest charge on the value of that portion of the extension granted using conditional credit at 12 percent per annum from the date the extension was granted through the date of actual payment by the purchaser. If the purchaser fails to make this payment within 30 days following the above notice, the purchaser's operating authority on the sale shall terminate, and the department may recover damages against the purchaser and its surety as allowed by law.

(9) Use of extension time credit to extend a window sale. (a) Credit earned and credited to the purchaser's extension time credit account may be used by the department to extend a window sale upon written application by the purchaser. Extensions under section 4 of the act will be granted only by written extension agreement. The purchaser must deliver to the department a properly executed extension agreement on or before the expiration date of the sale which the purchaser wishes to extend under section 4 of the act. Failure to meet the above deadline will disqualify the sale for an extension under section 4 of the act.

(b) The purchaser may use the extension time credit earned or conditionally granted to extend as many window sales as it selects. Sales may be extended for 3, 6, 9 or 12 months only, but the purchaser may apply as much credit as it has earned toward the extension. Extension time credit earned may be applied together with cash or road credit in any combination toward the extension fee. Conditionally granted extension time credit may also be used, but only if needed.

(c) Days of extension time credit earned shall be applied to a sale without regard to whether the extension is during the operating season, closed or winter season, or shutdowns, except that contract termination date adjustments under contract clause 14-4 may still be made.

(d) The department will grant no extension under section 4 of the act after December 31, 1983, except that

the department may exercise its rights under subsection (8) above after December 31, 1983. The term of extensions granted under section 4 of the act shall not extend beyond December 31, 1984.

NEW SECTION

WAC 332-140-050 PAID EXTENSION CREDIT

IT. This section implements section 5 of the act.

(1) Section 5(1). (a) Qualifying sales. Only window sales which exists as of the date of the application under this subsection qualify for a paid extension credit under section 5(1) of the act.

(b) Written application. To qualify for the paid extension credit, an extension agreement, properly executed by the purchaser and surety (if applicable), must be received by the department at least one working day prior to the then current expiration date of the sale on which the purchaser seeks a paid extension credit. No credits will be granted under section 5(1) of the act if the purchaser does not meet the foregoing deadline.

(c) Amount of paid extension credit. The amount of the paid extension credit on a sale shall be equal to the total amount of the extension fees paid by the purchaser on that sale after April 3, 1982 by cash or road credits.

(d) Same sale. The paid extension credit shall be applied, dollar for dollar, to payments for forest products only on the same sale as the extension fee is paid by the purchaser. The paid extension credit may not be used to pay ARRF charges.

(e) Length of extensions. The extensions granted on a sale under section 5(1) of the act shall only be 3, 6, 9 or 12 months in length. The department's authority to grant extensions under section 5(1) of the act expires on December 31, 1984.

(2) Section 5(2). (a) Qualifying sales. Section 5(2) of the act applies only to extensions which were requested, paid for, and for which the extension agreements were executed on or before April 2, 1982. Section 5(2) of the act applies to all sales existing as of the date of the purchaser's application hereunder. Extensions of sales for which extensions were paid after April 2, 1982 do not qualify for an equivalent extension under section 5(2) of the act. A person may not receive a credit under section 5(2) of the act for minimum fee (\$100) extensions granted before April 3, 1982, but only for extensions paid in cash by the purchaser.

(b) Written application. A person wishing to receive an extension on a sale under section 5(2) of the act must make a written application to the department which identifies the sale, the amount of extension time claimed under section 5(2) of the act, and the dates and periods of past extensions purchased on that sale.

(c) If a person satisfies the provisions of (2)(a) and (b) above, the department shall, without any charge, grant the person applying for an extension under section 5(2) of the act an extension equal in time to the total time of the extensions on that sale which were paid by the person extending the sale, up to a total of twelve months.

NEW SECTION

WAC 332-140-060 DEFAULTS. This section is to implement section 6 of the act.

(1)(a) Qualifying sales. Section 6 of the act applies only to window sales which were in existence as of April 3, 1982 or for which a payment is made after April 3, 1982 under section 7 of the act to reinstate the sale.

(b) Written notification. The purchaser must provide the department with written notification on or before July 14, 1982 stating that the purchaser elects to terminate or default a sale under section 6 of the act. Such notification must state that the purchaser is giving up all of its rights under that contract as of the date of the notification. The notification must be accompanied by a sworn written statement by an authorized representative of the purchaser which identifies the names of all affiliates, subsidiaries, and parent companies of the purchaser which purchased a window sale. The department shall provide the form for this statement. The notification must also be accompanied by a \$2,500 administrative fee. The notification will be considered received by the department only when the fee and sworn statement are received by the department.

(c) Limitation on sales to be defaulted. The following limitations apply to the sales which a purchaser may terminate or default under section 6 of the act.

(i) The purchaser may default on the sale(s) of its choice of which it was the purchaser as of April 3, 1982 if the sale qualifies under subsection (1)(a) above and if the cumulative volume remaining on those sales for which notification is given does not exceed 15 MMBF of forest products as of the date of the notification. The volume remaining on a sale shall be computed by the department by subtracting the volume of merchantable forest products removed from the department's presale cruise volume of merchantable forest products stated in the contract.

(ii) No sales which have been assigned after April 3, 1982 may be terminated or defaulted.

(iii) Only entire sales may be defaulted. A purchaser may not default on part of a sale under section 6 and choose to retain any right to remove forest products from any part of the same sale.

(iv) A sale may be terminated or defaulted even though the purchaser has operated on it and removed forest products from the sale, subject to the further limitations of subsection (1)(d) below.

(v) A sale on which all of the forest products have been removed may not be terminated or defaulted under section 6 of the act.

(d) Limitations on defaults of sales on which operations have occurred. A sale which otherwise qualifies for termination or default under section 6 of the act and this section may be defaulted subject to the following obligations and reservations:

(i) All forest products must be paid for which were removed from the sale and all due ARRF payments and other payments due must be paid, including all payments for forest products and ARRF deferred under a Deferred Payment Agreement. The department reserves

the full right to take appropriate action against the purchaser and its surety to recover all applicable damages for a failure of the purchaser to make the foregoing payments on or before the receipt of the notification of default.

(ii) All outstanding contract requirements (other than removal of forest products) which arose as a result of the purchaser's activities on the sale must be performed. These requirements include, but are not limited to, slash disposal preparation work, stream cleanout, falling non-merchantable forest products, road maintenance, ditching, waterbarring and fire trail construction. If the purchaser fails to perform the foregoing outstanding requirements, the department shall determine the current cost of performing that work and charge the purchaser therefor. If the purchaser fails to promptly pay such charges, the department may take appropriate action to recover the same from the purchaser and its surety.

(iii) The purchaser and its surety are not released from any liability or duty to indemnify the department which arose as a result of the acts or omissions of the purchaser or its delegate relating to the sale being defaulted.

(2) No refunds or credits. Upon notification under subsection (1)(b) above, the department shall make no refunds nor give any credits of any cash payments made to the department in connection with the contract which is being defaulted. Such cash payments include, but are not limited to, the initial deposit, extension fees, cash advance payments, and cash performance bonds, whether the foregoing deposits or payments are used or unused. All such sums shall be retained by the department.

(3)(a) Road credits. Upon receipt of notification under subsection (1)(b) above, the department shall compute the road credit which is provided by section 6(3) of the act. The credit shall only be allowed for construction of roads that are listed under the ROAD DEVELOPMENT section of the timber sale prospectus, as shown on the timber sale map.

(b) Amount of road credit. The amount of the road credit shall be determined based upon the percentage of road work satisfactorily completed in each road construction phase. The phases of road construction are those separate phases expressly identified in the road appraisal work forms used by the department in the presale appraisal. The percentages of satisfactory completion shall be applied to the road construction cost estimates as stated in the department's road construction presale appraisal.

(c) Reduction of credit. The total amount of the road credit as computed in subsection (3)(b) above shall be reduced by the difference between the current costs, as determined by the department, of correcting road work which was unsatisfactorily performed and the cost of completing such road work as computed in the department's original presale road construction appraisal.

(d) Amortization. The amount of the road credits shall be further reduced by the same percentage as the percentage of forest products removed on that sale. The percentage of forest products removed shall be computed by dividing the volume of merchantable forest products removed by the volume stated in the contract.

(4) Application of Road Credit. (a) Road credit will be applied only upon written application of the purchaser and after the department has determined the amount of the road credit. Such credit may be applied to one-half of any required payment for stumpage, cash deposits for performance security, or extension fee on a sale. Road credits cannot be applied to the initial deposit on a sale nor to a payment made under section 7 of the act.

(b) Road credit will only be applied to sales of that purchaser which are situated on land of the same trust and beneficiary as the sale on which the road credit is given. If the sale on which the road credit is given is situated on land of more than one trust and beneficiary the total road credit for the sale shall be divided in proportion to the acreage of each trust and beneficiary and applied separately and only to sales situated on the same trust and beneficiary.

(5) A purchaser whose sale expires or expired without removing all of the forest products from the sale and which sale does not qualify to be terminated or defaulted by the purchaser under section 6(1) of the act remains fully liable to the department for whatever damages that may be recovered under law notwithstanding the provisions of the act. This includes a sale which had expired as of April 3, 1982 and which the purchaser does not reinstate under section 7 of the act on or before July 14, 1982.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 332-140-070 REINSTATEMENT OF SALES. This section implements section 7 of the act.

(1) Qualifying sales. Section 7 of the act applies to sales on which the operating authority had expired as of April 3, 1982 which otherwise would qualify for extension under sections 4 or 5 of the act or to be defaulted under section 6 of the act. The purpose of section 7 of the act is to allow the purchaser to make a payment to reinstate such a sale and thereby make that sale eligible for relief under sections 4, 5, 6 and 9 of the act. A reinstatement payment made under section 7 of the act is not considered an extension payment for purposes of section 5 of the act.

(2) Application for Reinstatement. To reinstate a sale under section 7 of the act, the purchaser must make written application to the department for reinstatement on or before July 14, 1982.

(3) Reinstatement Payment. To be effective, an application for reinstatement under section 7 of the act must be accompanied by a payment equal to the extension payment for that sale computed from the date the sale or a previous extension thereof expired through the date the application is received. The amount of this payment shall be computed as provided in the contract for extensions. The interest limitation of section 9 of the act does not apply to the extension computation under the provisions of section 7 of the act and this section. Road credits under section 6 of the act may not be used to make the reinstatement payments required by section 7 of the act.

NEW SECTION

WAC 332-140-090 EXTENSION INTEREST RATE LIMITATION. This section implements section 9 of the act.

(1) Section 9 of the act applies to extensions on sales which were auctioned on or before December 30, 1980 for which extensions are granted after April 3, 1982 but before December 31, 1984. In computing the fees for such extensions, the department shall use the interest rate stated in the contract or 13 percent, whichever is less, in computing the interest charge on the unpaid portion of the contract which forms part of the extension fee.

(2) Reinstatement payments made under section 7 of the act are not subject to the interest rate limitation of section 9 of the act.

NEW SECTION

WAC 332-140-100 MT. ST. HELENS SALES EXCLUDED. Sections 2 through 9 of the act do not apply to any sales sold before or after any eruption of Mt. St. Helens and which include or included timber damaged by any such eruption.

**WSR 82-14-059
EMERGENCY RULES
DEPARTMENT OF LICENSING**
[Order 685-DOL—Filed July 1, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to filing UCC statements on standard forms; amending the UCC-1 standard financing statement form and the UCC-11R form instructions; amending and adopting uniform procedures for filing with and obtaining information from, UCC filing officers; and repealing the administrative rule providing for a UCC amendment fee.

I, John Gonzalez, find that an emergency exists and that the foregoing order is necessary for the preservation

of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the revised Uniform Commercial Code (UCC) will go into effect at midnight, June 30, 1982. Because some UCC filers have not been able to obtain new UCC filing forms and must use old forms until the new forms are available, this rule establishes a nine-day grace period to allow the public to file UCC statements on the old standard forms in a timely manner without the statements being subject to rejection by Department of Licensing for insufficient payment of fees. The rules also adopt on an interim basis the amended UCC-1 standard financing statement form, the amended UCC-11R form instructions, the uniform procedures for filing with and obtaining information from, UCC filing officers, and the repeal of the UCC amendment fee rule. This permits all UCC administrative rules to take effect on the effective date of the UCC statute.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 62A.9-409(1) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By John Gonzalez
Director

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-040 UCC-1 FINANCING STATEMENT. Effective July 1, 1982, the following form shall be the standard UCC-1 Financing Statement form prescribed by the department of licensing:

UCC - 1

PLEASE TYPE FORM

This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

LEASE This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY
TRADE NAME (if any)	
SECURED PARTY(IES) (or assignee(s)) (name and address) 	4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

CHECK IF APPLICABLE

Products of collateral are also covered

Filing covers a security interest in collateral, including fixtures,
of a TRANSMITTING UTILITY and remains effective until terminated.

NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only
Check Box if Filing Covers Consumer Goods

BY: [] FILING OFFICER INDEX

WASHINGTON UCC - 1

APPROVED BY WASHINGTON
STATE DEPARTMENT OF LICENSING

<p>1. FILING STATEMENT</p> <p>This filing statement is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral unless otherwise indicated immediately below.</p> <p>LEASE - This filing is for informational purposes only. The term debtor and secured party are to be construed as LESSOR and LESSEE.</p> <p>CONSIGNMENT - This filing is for informational purposes only. The term debtor and secured party are to be construed as CONSENTEE and CONSENTER.</p>	
<p>DEBTOR(S) (or assignor(s)) (last name first, and address(es))</p>	<p>2. FOR OFFICE USE ONLY</p>
<p>TRADE NAME: (if any)</p>	
<p>LEND PARTY(IES) (or assignee(s)) (name and address)</p>	<p>4. ASSIGNEE(S) OR SECURED PARTY(IES) (if applicable) (last name first, and address(es))</p>
<p>5. IF APPLICABLE Products of collateral are also covered <input type="checkbox"/> Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated</p>	
<p>6. NUMBER OF ADDITIONAL SHEETS PRESENTED:</p> <p>For Informational Purposes Only: Check Box if Filing Covers Consumer Goods <input type="checkbox"/></p>	
<p>7. FINANCING STATEMENT covers the following types or items of property:</p>	
<p>8. BY ACKNOWLEDGMENT COPY TO:</p>	
<p>FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504</p>	
<p>FOR OFFICE USE ONLY. Images to be filled <input type="checkbox"/></p>	
<p>9. Statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral. (Please check appropriate box)</p> <p><input type="checkbox"/> already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or</p> <p><input type="checkbox"/> which is proceeds of the original collateral described above in which a security interest was perfected, or</p> <p><input type="checkbox"/> as to which the filing has lapsed, or</p> <p><input type="checkbox"/> acquired after a change of name, identity, or corporate structure of the debtor(s).</p>	
<p>Complete only if box (d) is checked.</p> <p><input type="checkbox"/> Original filing number _____</p> <p><input type="checkbox"/> Filing office where filed _____</p> <p><input type="checkbox"/> Former name of debtor(s) _____</p>	
<p>USE IF APPLICABLE:</p>	
<p>TYPE NAME(S) OF DEBTOR(S) (or assignor(s))</p>	<p>TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))</p>
<p>STICKER(S) OF DEBTOR(S) (or assignor(s))</p>	<p>STICKER(S) OF SECURED PARTY(IES) (or assignee(s))</p>
<p>COPY 2 - FILING OFFICER - MERIC WASHINGTON UCC-1</p>	
<p>FORM APPROVED FOR USE IN THE STATE OF WASHINGTON</p>	

Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Plies 4 and 5 will be identical to ply 3 except for the ply legend at the bottom of the form, which will be as follows:

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
 COPY 4 - DEBTOR
 COPY 5 - SECURED PARTY

Ply 1 will have a 5 inch carbon behind it.
 Ply 2 will have a carbon behind it which must end at the bottom of box 9.
 Plies 3 and 4 will each have a full sheet carbon behind them.
 Instructions will appear on the back of copy 5.

FOR OFFICE USE ONLY

TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Date _____

At the time _____ Return to: Uniform Commercial Code Division, Department of Licensing,
 P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT

WASHINGTON UCC-1

UCC - 1

PLEASE TYPE FORM
This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
 CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY
TRADE NAME: (if any)	
3. SECURED PARTY(IES) (or assignee(s)) (name and address) 	4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))
5. CHECK IF APPLICABLE: <input type="checkbox"/> Products of collateral are also covered. <input type="checkbox"/> Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.	
6. NUMBER OF ADDITIONAL SHEETS PRESENTED:	For Informational Purposes Only: Check Box if Filing Covers Consumer Goods <input type="checkbox"/>
7. This FINANCING STATEMENT covers the following types or items of property: 	
8. RETURN ACKNOWLEDGMENT COPY TO: 	FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY  Images to be filed <input type="checkbox"/>
9. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral. (Please check appropriate box) Complete fully if box (d) is checked, complete as applicable for (a), (b), and (c)	
(a) <input type="checkbox"/> already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or Original filing number _____	
(b) <input type="checkbox"/> which is proceeds of the original collateral described above in which a security interest was perfected, or Filing office where filed _____	
(c) <input type="checkbox"/> as to which the filing has lapsed, or Former name of debtor(s) _____	
(d) <input type="checkbox"/> acquired after a change of name, identity, or corporate structure of the debtor(s).	
10. USE IF APPLICABLE:	
TYPE NAME(S) OF DEBTOR(S) (or assignor(s))	TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))
SIGNATURE(S) OF DEBTOR(S) (or assignor(s))	SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))
COPY 2 FILING OFFICER NUMERIC WASHINGTON UCC - 1 FORM APPROVED FOR USE IN THE STATE OF WASHINGTON	

INSTRUCTIONS UCC-1

- 1. PLEASE TYPE THIS FORM.**
- 2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.**
- 3. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.**
- 4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1. Proper filing fees must accompany each form.**
- 5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.**

6. Typed name of Debtor and/or Secured Party must appear with signature.

7. DO NOT WRITE IN BOX 2.

8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-048 UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION. Effective July 1, 1982, the following form shall be the standard UCC-11R form prescribed by the department of licensing:

UCC - 11R

Digitized by srujanika@gmail.com

REQUEST FOR CERTIFICATE OF INFORMATION

FOR OFFICE USE ONLY		2A DEBTOR (last name first and address)
PARTY requesting Certificate of Information <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		(name and address) 7 4 <input type="checkbox"/> DATE _____
SIGNATURE OF REQUESTING PARTY		

- Department of Licensing, please furnish INFORMATION certificate showing whether there is on file any presently effective financing statement naming the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$4.00 fee is enclosed.

Department of Licensing, please furnish INFORMATION certificate and true and exact COPIES of all presently effective financing statements naming the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$8.00 fee is enclosed.

Department of Licensing, please furnish INFORMATION certificate AND COPIES of filings from _____ to _____ or for those specifically requested file numbers listed below. The \$8.00 fee is enclosed.

FILE NUMBER	DATE AND HOUR OF FILING	NAME(S) AND ADDRESS(ES) OF SECURED PARTY(IES)

- 1 THE ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING STATEMENT AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING AS OF _____ AT _____

2 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT FROM _____ TO _____ WHICH NAME THE ABOVE DEBTOR AND ARE ON FILE IN THE DEPARTMENT OF LICENSING.
THIS SEARCH REQUEST DOES NOT REFLECT FILINGS WHICH MAY HAVE BEEN ACTIVE ON _____ BUT HAVE EXPIRED OR HAVE BEEN TERMINATED SINCE THAT DATE

3 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING

4 THE ATTACHED PAGES ARE TRUE AND EXACT COPIES OF THE FINANCING STATEMENTS OR STATEMENTS OF ASSIGNMENT

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named degree, or the exact address or addresses cited in your Request for Information. Have you cited all names, trade names, business entities or addresses past or present associated with this debt/inquiry? If not, you may wish to submit additional requests.

DATE _____ SIGNATURE OF FILING OFFICER _____
FORWARD TO: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
COPY 1 - FILING OFFICER FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

Note All information will be the same on plies 2 and 3 as is on ply 1 except
the plly legend at the bottom, which will be as follows:
COPY 2 - FILING OFFICER
COPY 3 - REQUESTING PARTY
Plies 1 and 2 will each have a full sheet carbon behind them.
Instructions will appear on the back of copy 3.

COPY 2 - FILING OFFICER
Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FORM AP-3120 FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R

INSTRUCTIONS UCC-11R**1. PLEASE TYPE THIS FORM.**

2. Only the name of one debtor may appear on each form. If information is requested on more than one name, a separate form must be submitted for each name. A husband and wife are considered to be two individual debtors. If more than one name does appear on the submitted form, only the first name will be searched.

3. Indicate the type of search requested in Box 5.

4. The fee for a certificate of information request ((submitted on a standard form)) is \$4.00. ((The fee is \$5.00 if any other form is used.)) The fee for a certificate of information and copy request is \$8.00. Proper filing fees must accompany each form.

5. DO NOT WRITE IN BOX ((2)) 1 OR BOX 6.

6. REMOVE and retain copy (3). SEND copies (1) and (2) to the address on the front of the form.

NEW SECTION

WAC 308-400-951 INTERIM STANDARD FORM. (1) Effective July 1, 1982, the old standard UCC filing forms will also be accepted as standard forms to which the new UCC standard form filing fees apply.

(2) This rule shall expire at midnight, July 9, 1982.

NEW SECTION**WAC 308-400-054 POWER OF ATTORNEY.**

(1) The department will accept for filing a financing statement signed for the debtor by his agent or attorney in fact if such circumstance is clearly indicated on the financing statement or in accompanying documents.

(2) When a termination statement is signed for the secured party by an attorney in fact, an acknowledged copy of the document granting the power of attorney to the signer must accompany the statement.

NEW SECTION

WAC 308-400-056 RETURN OF ACKNOWLEDGMENT. When a document is accepted for filing, the department of licensing shall deposit the acknowledgement in the mails with reasonable promptness for return to the secured party or the person designated by the secured party to receive the acknowledgement.

NEW SECTION

WAC 308-400-058 TERMINATION IF PARTIAL ASSIGNMENT. If a partial assignment of the security interest perfected by a financing statement has been made, signatures of both the secured party and the assignee are required to terminate the financing statement.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-060 REJECTION OF ((FILING)) DOCUMENTS. Any ((filing)) document rejected for any reason by any filing officer shall be ((returned)) deposited in the mails with reasonable promptness for return to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection.

NEW SECTION

WAC 308-400-062 INCOMPATIBLE ACTIONS. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-070 REQUEST FOR CERTIFICATE OF INFORMATION. A separate written request for information (see WAC 308-400-048, Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors. An entity identified by a trade name will be considered an individual debtor.

NEW SECTION

WAC 308-400-092 OVERPAYMENT OF FEES. Beginning July 1, 1982, the department of licensing will not issue a refund for overpayment of UCC fees unless:

(1) the overpayment is in an amount of four dollars or more; or

(2) the department receives a written request for a refund of less than four dollars within sixty days of the date of the department's receipt of the overpayment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-400-090 AMENDMENT FEES.

**WSR 82-14-060
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 381—Filed July 1, 1982]**

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule describing hazardous area protected by the Department of Natural Resources which are closed to entry from midnight July 5, 1982, through midnight

October 3, 1982, WAC 332-26-020, 332-26-040 and 332-26-050.

I, Brian J. Boyle, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the above described forest areas contain an abnormal concentration of forest fuels and because of the usual summer increase in drying conditions, are particularly exposed to fire danger.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.140 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-020 OLYMPIC AREA CLOSURES Jefferson and Clallam Counties.

Jefferson County, Township 25 North, Range 12 West: N3/4 of Section 1; E1/2NE1/4, NE1/4SE1/4 of Section 2; W3/4 of Section 4; All of Section 5; All of Section 6; NE1/4NW1/4 of Section 8; N1/2, Except SE1/4NE1/4 of Section 9. Township 25 North, Range 13 West: N1/2 of Section 1; N1/2, N1/2SW1/4 of Section 2; All of Section 3; S1/2SE1/4 of Section 4; E1/2 of Section 9; N1/2 of Section 10. Township 26 North, Range 12 West: E1/2SE1/4 of Section 14; E1/2NE1/4, SW1/4NE1/2 South of Nolan Creek., SE1/4NW1/4 South of Nolan Creek., SE1/4, E1/2SW1/4 of Section 23; All of Section 24; All of Section 25; All except W1/2NW1/4 of Section 26; SE1/4 of Section 27; SE1/4SE1/4 of Section 28; All of Section 31; S1/2SE1/4 of Section 32; W1/2, Except NE1/4NW1/4 of Section 33; E1/2NE1/4 of Section 34; All except W1/2SW1/4 of Section 35; All of Section 36. Township 26 North, Range 13 West: W1/2 of Section 2; N1/2 of Section 3; North of 3000 Road of Section 4; North of 3000 Road of Section 5; NW1/4NW1/4 of Section 11; SE1/4 of Section 24; S1/2NE1/4 of Section 25; S1/2 of Section 26; All of Section 35; All of Section 36. Township 27 North, Range 13 West: W1/2SE1/4, E1/2SW1/4 of Section 29; SE1/4SE1/4 of Section 30, NE1/4NE1/4, North of 3000 Road of Section 31; North of 3000 Road of Section 32; All of Section 33; All of Section 34; S1/2SW1/4 of Section 35.

Clallam County, Township 28 North, Range 13 West: NE1/4 South and West of Grader Creek., NW1/4,

N1/2SE1/4, NE1/4SW1/4 of Section 21. Township 29 North, Range 15 West: E1/2 of Section 5; N1/2NE1/4 of Section 8; SE1/4E1/2SW1/4, S1/2NW1/4 South of 5050 Road, SW1/4NE1/4 South of 5050 Road of Section 21; W1/2SW1/4SW1/4 of Section 22, W1/2W1/2NW1/4, W1/2SW1/4SE1/4 of Section 27, E1/2NE1/4, NW1/4NE1/4, SW1/4 of Section 28; All except S1/2SE1/4 of Section 33. Township 30 North, Range 13 West: W1/2SW1/4 South of 9100 Road and West of 9000 Road of Section 13; SE1/4SE1/4 of Section 14; NE1/4NE1/4 of Section 23; N1/2NW1/4 West of 9000 Road of Section 24. Township 30 North, Range 14 West: Gov't. Lot 7 of Section 9, S1/2SW1/4 of Section 10, N3/4W1/2 of Section 15; Gov't. Lots 6, 8, 9, NE1/4SE1/4 of Section 16. Township 30 North, Range 15 West: S1/2NW1/4 South of Ozette County Road and East of Umbrella Creek, N1/2SW1/2 of Section 3; Gov't. Lots 3 & 5 outside the Olympic National Park, E1/2SW1/2, W1/2SE1/4 of Section 32. Township 31 North, Range 14 West: W1/2, SE1/4, W1/2NE1/4 of Section 10, SW1/4, SW1/4SE1/4 of Section 11, NW1/4, N1/2SW1/4, SW1/4SW1/4 of Section 14; N1/2, SE1/4 of Section 15. Township 31 North, Range 15 West: All of Section 1; All of Section 2, All of Section 3; E1/2NW1/4, SW1/4NE1/4 of Section 6; All of Section 10; All of Section 11; All of Section 12; All of Section 13; All of Section 14. Township 32 North, Range 15 West: Gov't. Lots 1, 2, 3 South of the Makah Indian Reservation; S1/2 of Section 17; NE1/4SE1/4 of Section 19; NW1/4, SE1/4, N1/2SW1/4, SE1/4SW1/4 of Section 20; NW1/4 of Section 21; S1/2 of Section 29, E3/4S1/2, W1/2NE1/4, SE1/4NW1/4 of Section 30; E3/4N1/2 of Section 31; NW1/4SW1/4 of Section 32.

All the area in the Quinalt Indian Reservation north of the Quinalt River in Grays Harbor and Jefferson Counties, except the portion described as Township 23 North, Range 9 and Range 10 West, and Township 22 North, Range 10 West. This rule will not apply to Indian people of the Quinalt tribe under trust status.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 5, 1982 to midnight October 3, 1982.

NEW SECTION

WAC 332-26-040 CENTRAL AREA CLOSURES Pacific and Lewis Counties.

Pacific County, Pacific District, Township 11 North, Range 6 West: Part S1/2 of Section 1; NE1/4, Part NW1/4, Part N1/2SE1/4 laying North of Sage Creek. Township 12 North, Range 6 West (7800 Road will remain open through this area): All of Section 32; All of Section 33; All of Section 34. Township 11 North, Range 7 West: E1/2 of Section 8; All of Section 9; All of Section 10*; All of Section 15*. *Note: The E1/2 Section 10 and E1/2 Section 15 are in the Southwest Area.

Lewis County, Lewis District, Township 14 North, Range 2 East: E1/2 of Section 11; All of Section 12; All of Section 13; E1/2 of Section 14; E1/2, NW1/4 of Section 24. Township 14 North, Range 3 East: All of Section 1; N1/2 of Section 3; N1/2 of Section 4; All of Section 5; All of Section 6; All of Section 7; N1/2 of Section 8; E1/2 of Section 11; All of Section 12; All of Section 13; All of Section 14. Township 15 North, Range 3 East: All of Section 31; All of Section 32; All of Section 33; S1/2 of Section 34. Township 11 North, Range 5 West: Part SW1/4 of Section 1; Part SW1/4NW1/4, SW1/4, Part SE1/4 lying South of 194 Road of Section 2; All except NE1/4 and part NW1/4 lying NE of Chehalis River of Section 3; All of Section 4; All of Section 5; All of Section 6; Part N1/2 lying North of Sage Creek of Section 7; All except Part W1/2SW1/4 of Section 8; All of Section 9; All except SE1/4SE1/4 of Section 10; N1/2, Part S1/2 lying North of Salmon Creek of Section 11; NW1/4, Part of W1/2E1/2 of Section 12; N1/2NW1/4, Part NW1/4NE1/4 of Section 15; N1/2NE1/4, SW1/4NE1/4, NW1/4, Part N1/2SW1/4, Part W1/4SE1/4 of Section 16; NE1/4, Part E1/2NW1/4, Part NE1/4SW1/4, Part N1/2SE1/4 of Section 17. Township 12 North, Range 4 West: S1/2 except Part N1/2SW1/4 of Section 7; Part S1/2 of Section 8; All except part SE1/4SE1/4 lying South of Slide Creek of Section 17; All of Section 18. Township 12 North, Range 5 West: Part E1/2NE1/4, Part NE1/4SE1/4 of Section 11; S1/2N1/2, S1/2 except part W1/2SW1/4 of Section 12; NE1/4, E1/2W1/2, Part SE1/4 of Section 13; S1/2, Part S1/2N1/2 lying South of Thrash Creek of Section 31; Part S1/2 lying South of Thrash Creek of Section 32; S1/2S1/2 lying South of Thrash Creek of Section 33.

Lewis County, Tilton District, Township 13 North, Range 3 East: S1/2 of Section 3; All of Section 5; All of Section 9; West of the North Fork Tilton of Section 11; All of Section 13; All of Section 15; All of Section 17. Township 14 North, Range 5 East: Parts E1/2SE1/4 of Section 20; All of Section 21; All of Section 22; West of Mineral #1 Road of Section 23; West of Mineral #1 Road of Section 25; All of Section 26; All of Section 27; All of Section 28; East of Hwy #7 of Section 29; Parts N1/2NE1/4 of Section 30; Parts N1/2 of Section 33; All of Section 34; All of Section 35.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 5, 1982 to midnight, October 3, 1982.

NEW SECTION

WAC 332-26-050 NORTHWEST AREA CLOSURES Whatcom, Skagit, and Snohomish Counties.

Whatcom County, Township 40 North, Range 6 East: NW1/4SE1/4, W1/2W1/2NE1/4SE1/4, NW1/4SW1/4SE1/4 of Section 22. Township 39 North, Range 6 East: SE1/4NW1/4, W1/2SW1/4, SE1/4, S1/2NE1/4 of Section 29; NE1/4NW1/4, NW1/4NE1/4 (includes PCT slash) of Section 32; NW1/4NW1/4, E1/2SE1/4, S1/2NW1/4SE1/4 of Section 33. Township 39 North, Range 5 East: W1/2NE1/4 of Section 24. Township 37 North, Range 6 East: NE1/4NE1/4 of Section 32; NW1/4NW1/4 of Section 33.

Skagit County, Township 36 North, Range 9 East: SE1/4NE1/4, SE1/4 of Section 25; Township 36 North, Range 8 East: SE1/4NW1/4, NE1/4SW1/4, S1/2SW1/4 of Section 17; W1/2, NW1/4SE1/4, S1/2SE1/4, N1/2NE1/4SW1/4NE1/4 of Section 18; All of Section 19; S1/2, W1/2NW1/4, W1/2NE1/4NW1/4 of Section 20; W1/2NE1/4 of Section 29; All except SW1/4SW1/4 (includes PCT) of Section 30. Township 36 North, Range 7 East: W1/2NE1/4, W1/2, N1/2SE1/4 of Section 6; SW1/4SW1/4 of Section 17; N1/2S1/2SE1/4, N1/2SE1/4 South of Nooksack River of Section 18; S1/2S1/2NW1/4, S1/2NE1/4, S1/2 except S1/2S1/2SW1/4 of Section 22; S1/2SW1/4, NW1/4SW1/4, S1/2SE1/4 of Section 23; NE1/4SW1/4, S1/2S1/2 of Section 24; N1/2, NE1/4SE1/4 of Section 25; NE1/4NE1/4, N1/2NW1/4NE1/4 of Section 26; NE1/4NW1/4NE1/4 of Section 27. Township 36 North, Range 6 East: W1/2SW1/4 of Section 2; S1/2S1/2NW1/4, SW1/4, NW1/4SE1/4, SW1/4NE1/4 of Section 3; S1/2SE1/4SW1/4, NE1/4NE1/4SW1/4, S1/2S1/2SE1/4, N1/2SE1/4 of

Section 4; N1/2NE1/4NW1/4, N1/2NE1/4, NE1/4SE1/4NE1/4 of Section 9, N1/2 of Section 10, NW1/4NW1/4NW1/4 of Section 11. Township 36 North, Range 5 East: S1/2SW1/4, NW1/4SW1/4 of Section 3; E1/2NW1/4, S1/2SW1/4, SE1/4 of Section 10, All of Section 15; All of Section 22, NW1/4, S1/2 (includes PCT) of Section 23; W1/2SW1/4 (PCT) Corridor along 150 road, all other roads off 150 road are closed of Section 27; W1/2NW1/4, NW1/4NW1/4, NE1/4SE1/4, NE1/4 (PCT) Corridor along 150 road, all other roads off 150 road are closed of Section 28; N1/2NW1/4NW1/4 (PCT) Corridor along 150 road, all other roads of 150 road are closed of Section 34. Township 35 North, Range 11 East: S1/2SW1/4, SW1/4SE1/4 of Section 29, W1/2NW1/4, S1/2, SW1/4NE1/4 (includes PCT) of Section 30, All (includes PCT) of Section 31; N1/2NE1/4, NW1/4, W1/2SW1/4 of Section 32. Township 35 North, Range 9 East: N1/2NW1/4SW1/4 (PCT slash) of Section 3; S1/2S1/2 (PCT slash) of Section 4; S1/2SW1/4SE1/4, SE1/4SE1/4SW1/4 (PCT slash) of Section 8; N1/2NW1/4 (PCT slash) of Section 9, N1/2NE1/4, NE1/4NE1/4NW1/4 (PCT slash) of Section 17. Township 35 North, Range 8 East: SE1/4NW1/4, S1/2 of Section 26; S1/2NW1/4, S1/2 of Section 27; NE1/4, SE1/4NW1/4, SW1/4, W1/2SE1/4 of Section 28; N1/2NW1/4, SE1/4SE1/4, E1/2NE1/4NE1/4 of Section 33; S1/2NW1/4NW1/4, W1/2W1/2SW1/4, SE1/4NE1/4, E1/2SE1/4 of Section 34; W1/2, NE1/4, NE1/4SE1/4 of Section 35. Township 35 North, Range 6 East: S1/2SE1/4NW1/4, NE1/4 North of Rd. #110, Corridor along 110 rd., all spurs off 110 rd. are closed of Section 5. Township 34 North, Range 9 East: SE1/4, W1/2SW1/4, E1/2NE1/4 of Section 7; S1/2, W1/2NE1/4, SE1/4NE1/4, NW1/4 of Section 8; S1/2SW1/4NW1/4, SW1/4 of Section 9; W1/2SE1/4 of Section 15; N1/2 of Section 17; S1/2 of Section 18; S1/2NW1/4NW1/4, S1/2NW1/4, N1/2NE1/4SW1/4, S1/2N1/2NE1/4, S1/2NE1/4, SE1/4 (PCT slash) of Section 23. Township 34 North, Range 8 East: S1/2SE1/4NE1/4, N1/2NE1/4SE1/4, SW1/4SW1/4 (PCT slash) of Section 1; N1/2NW1/4 North of U.S.F.S. road (PCT slash) of Section 12. Township 34 North, Range 6 East: N1/2NW1/4 (Portion of) of Section 32; W1/2NW1/4 (Portion of) of Section 33; S1/2SE1/4 (Portion of) of Section 35.

Snohomish County, Township 32 North, Range 7 East: SE1/4SE1/4, SE1/4NE1/4 North of road of Section 23; SW1/4NW1/4, S1/2SW1/4 of Section 24; N1/2N1/2 of Section 25; NE1/4NE1/4 of Section 26. Township 31 North, Range 7 East: NW1/4SE1/4, SE1/4SE1/4 of Section 21; NE1/4SW1/4, SE1/4NE1/4 of Section 22; NE1/4NW1/4, N1/2NE1/4, SE1/4NE1/4, E1/2SE1/4 of Section 24; N1/2NE1/4, E1/2SE1/4 of Section 25; NE1/4SE1/4 of Section 26; N1/2NW1/4, S1/2SW1/4, SW1/4SE1/4 of Section 27; NE1/4NE1/4, S1/2SE1/4 of Section 28; W1/2SE1/4, E1/2SW1/4 of Section 29; N1/2NE1/4, SE1/4NE1/4 of Section 32; N1/2, NE1/4SE1/4 of Section 33; NW1/4, NW1/4SW1/4 of Section 34; W1/2NE1/4, W1/2SE1/4, SE1/4SW1/4 of Section 36. Township 30 North, Range 7 East:

N1/2NW1/4, W1/2SW1/4 of Section 2; E1/2E1/2, SW1/4SE1/4 of Section 3; SE1/4SW1/4 of Section 4; SE1/4SE1/4 of Section 5; SE1/4NW1/4, N1/2SE1/4, NE1/4 of Section 8; Portion of NW1/4 North of River of Section 9; SE1/4, SW1/4NE1/4, SE1/4NW1/4 of Section 11; SW1/4SE1/4, W1/2SW1/4, SW1/4NW1/4 of Section 14; E1/2SE1/4 East of Mud Lake, E1/2NE1/4, NW1/4NE1/4 of Section 15; NW1/4NW1/4 of Section 16; NE1/4NE1/4 of Section 22; NW1/4NW1/4, NW1/4SW1/4 of Section 23; E1/2SE1/4, SW1/4SE1/4 of Section 24; NE1/4, N1/2SE1/4, N1/2SW1/4 of Section 25; NE1/4 of Section 28; SE1/4SW1/4, portions of S1/2SE1/4 of Section 29; E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4 of Section 32; NE1/4NE1/4 of Section 35.

When, in the opinion of the Area Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Area Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced: Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 5, 1982 to midnight, October 3, 1982.

**WSR 82-14-061
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 1, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Nursing homes—Method of rate determination, amending WAC 388-96-719.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: June 30, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-96-719.

The Purpose of this Rule Change: To eliminate the inflation adjustment increase of 1.625 percent for the July 1, 1982, through June 30, 1983, rate setting period.

The Reason this Rule Change is Necessary: To implement House Bill No. 1249, section 1 (12), Laws of 1982 2nd ex. sess.

Statutory Authority: RCW 74.09.120.

Summary of the Rule Change: Current version allows an inflation adjustment factor increase of 1.625 percent for July 1, 1982, and January 1, 1983, rate setting; amended version eliminates this inflation adjustment factor increase.

Person Responsible for Drafting, Implementing and Enforcing the Rule: Taylor Dennen, Manager, Rates and Settlements Program, Bureau of Nursing Home Affairs, Mailstop OB-31, 753-3477, Scan 234-3477.

This rule is proposed by DSHS.

This rule is not necessary as a result of federal laws, federal court decisions, or state court decisions.

Economic Impact: The proposed change is mandated by legislation. It is neither legal nor feasible to: Establish differing compliance requirements for small businesses; clarify, consolidate or simplify compliance requirements for small business; or exempt shall business from any or all requirements of the rule. There are no costs of compliance for businesses covered by this regulation change, including costs of equipment, supplies, labor or administrative costs. The effect of the change is to reduce payments to nursing home service contractors by \$4.97 million in state fiscal year 1983.

AMENDATORY SECTION (Amending Order 1820, filed 6/2/82)

WAC 388-96-719 METHOD OF RATE DETERMINATION.

(1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by contractors.

(2) Data containing obvious errors, data for facilities which are out of compliance with any condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735(3).

(3)(a) Adjustments for inflation will be:

(i) 5.0 percent for July 1, 1981 rate setting;
(ii) 4.25 percent for January 1, 1982 rate setting; and
~~(iii) ((1-625 percent for July 1, 1982 and January 1, 1983 rate setting))~~ No inflation adjustment increase shall be provided for setting rates effective July 1, 1982 through June 30, 1983. Inflation adjustments made to costs and other rate setting data used for this period shall reflect factors in subsection (3)(a)(i) and (3)(a)(ii) of this section.

(b) Property and return on equity rates will not be adjusted for inflation.

(4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

WSR 82-14-062

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1816—Filed July 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Income, amending WAC 388-54-730.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement amendments to 7 CFR 273.9.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. ((The combined monthly net food stamp income of all members of a household shall not exceed:)) Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet.

(1) Except as provided in subsection (2) of this section, eligibility shall be determined on the basis of gross income. The gross income eligibility standards ((based on)) shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines((::)).

Effective July 1, 1982, Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((467))507
2	((467))674
3	((766))841
4	((946))1,008
5	((1,065))1,175
6	((1,215))1,342
7	((1,364))1,508
8	((1,514))1,675
Each additional person	+((150))167

(2) ((For)) Households which contain a member who is sixty years of age or over, or a member who receives Supplemental Security Income (SSI) benefits under Title ((XIV)) XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, ((eligibility)) shall be determined eligible based on ((the)) net income standards ((as follows:)).

Effective July 1, 1982, Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((360))390
2	((475))519
3	((590))647
4	((705))775
5	((820))904
6	((935))1,032
7	((1,050))1,160
8	((1,165))1,289
9	((1,280))1,418
10	((1,395))1,547
Each additional member	+((115))129

**WSR 82-14-063
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1827—Filed July 1, 1982]**

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do

promulgate and adopt at Olympia, Washington, the annexed rules relating to standards of assistance for the supplemental security income (SSI) program, amending WAC 388-29-295.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these changes will be of substantial benefit to affected parties.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-295 STANDARDS OF ASSISTANCE FOR THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. (1) Standards of SSI assistance paid to eligible individuals and couples by SSA are:

	Federal Standard	SSI Benefit ((Supplemental))	State Supplement
Area I			
Living alone Individuals	((5903.00)) <u>322.60</u>	((5264.70)) <u>284.30</u>	\$ 38.30
Couples Both eligible	((433.30)) <u>462.80</u>	((397.00)) <u>426.40</u>	((36.30)) 36.40
With essential person	((433.30)) <u>462.80</u>	((397.00)) <u>426.80</u>	36.00
With ineligible spouse	((433.30)) <u>462.80</u>	((264.70)) <u>284.30</u>	((+66.60)) 178.50
Area II			
Living alone Individuals	((282.55)) <u>302.15</u>	((264.70)) <u>284.30</u>	\$ 17.85
Couples Both eligible	((409.35)) <u>432.85</u>	((397.00)) <u>426.40</u>	((6.35)) 6.45
With essential person	((409.35)) <u>432.85</u>	((397.00)) <u>426.80</u>	6.05
With ineligible spouse	((409.35)) <u>432.85</u>	((264.70)) <u>284.30</u>	((+38.65)) 148.55
Shared Living Individuals	((409.15)) <u>202.22</u>	((264.47)) <u>189.54</u>	\$ 12.68
Couples Both eligible	((280.50)) <u>300.17</u>	((264.67)) <u>284.27</u>	((+5.83)) 15.90
With essential person	((280.50)) <u>300.17</u>	((264.67)) <u>284.54</u>	15.63
With ineligible spouse	((280.50)) <u>300.17</u>	((264.47)) <u>189.54</u>	((+64.03)) 110.63

(2) ~~((The state supplemental portion of the SSI standards shall be considered as the energy allowance designated by the Washington state legislature for individuals and couples in which both spouses are eligible for SSI.~~

((3))) These standards are effective July 1, ((1981)) 1982.

WSR 82-14-064
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1834—Filed July 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GA-U, Eligibility—Standards of assistance, amending chapter 388-29 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement the biennial budget.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1804, filed 5/6/82)

WAC 388-29-100 MONTHLY STANDARDS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective ((April)) July 1, 1982, the statewide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and transportation for those owning (including life estate), buying or renting an apartment or house are:

(a) Recipients in Household	State Standard
1	\$ ((428)) 442
2	((541)) 560
3	((670)) 692
4	((780)) 814
5	((900)) 939
6	((1,030)) 1,064
7	((1,190)) 1,230
8	((1,317)) 1,362
9	((1,446)) 1,494
10 or more	((1,574)) 1,624

(b) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household((—))	All Counties
1	\$ 172
2	249
3	330
4	411
5	492
6	572
7	653
8	734
9	815
10 or more	896

(2) Effective ((April)) July 1, 1982, the state-wide monthly payment levels reflecting ((67.4)) 65.2 percent of the need standards shall be:

(a) Recipients in Household	State Payment Levels
1	\$ 288
2	365
3	451
4	531
5	612
6	693
7	802
8	887
9	974
10 or more	1,058

(b) Household with supplied shelter.

The monthly payment levels for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household((—))	All Counties
1	\$ 172
2	249
3	330
4	411
5	492
6	572
7	653
8	734
9	815
10 or more	887

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE

(1) The payment standard for a recipient of AFDC residing in a maternity home shall be five hundred ((twelve)) forty-one dollars and ((seventy-five)) ten cents per month, which includes forty dollars and sixty-five cents for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ((eighty-eight)) ninety-three dollars and ((forty)) seventy-five cents.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be ((twenty-eight)) thirty dollars and ((forty)) fifteen cents.

(2) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

(b) He or she has no one able to perform this service for him or her.

(2) The monthly cost standard for laundry shall be ((seven)) eight dollars and ((eighty)) thirty cents.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE. (1) The standard for board and room shall be ((one)) two hundred ((ninety-five)) seven dollars and ((forty)) fifteen cents per month or six dollars and ((forty-five)) eighty-five cents per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be ((twenty-seven)) thirty-three dollars and fifty cents.

(3) These standards are effective July 1, ((1981)) 1982.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS. (1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

(a) Basic rate ((two)) three hundred ((ninety-seven)) twenty-one dollars and ((sixty-five)) nineteen cents.

(b) Service additions

Health services (each)	\$23.09
1-3	((32.10)) <u>34.64</u>
4-7	((48.15)) <u>51.95</u>
8-12	((69.55)) <u>75.04</u>
((Special services each service))	21.40))

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be thirty-three dollars and fifty cents.

(3) These standards are effective ((July 1, 1981)) January 1, 1982.

**WSR 82-14-065
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1835—Filed July 1, 1982]**

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to patient overutilization, amending WAC 388-86-008.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement Executive Order 82-13.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-86-008 PATIENT OVERUTILIZATION. (1) Whenever payment records and other information indicate that recipient utilization is excessive or inappropriate with reference to medical need, the department may require an individual to designate a primary physician and/or a single pharmacy for exclusive provider service in an effort to:

- (a) Protect the individual's health and safety;
- (b) Provide continuity of medical care;
- (c) Avoid duplication of service by providers;
- (d) Avoid inappropriate or unnecessary utilization of medical assistance as defined by community practices and standards;
- (e) Avoid excessive utilization of prescription medications.

Excessive utilization of prescription medications will be determined from published current medical and pharmacological references to include *Physicians' Desk Reference* published by Medical Economics Company, Oradell, New Jersey 07649; or *Facts and Comparisons* published by Facts and Comparisons, Inc., 12011 Marine Avenue, Suite 220, St. Louis, MO 63141; or *The Pharmacological Basis of Therapeutics* published by Macmillan Publishing Co., 866 Third Avenue, New York, NY 10022.

(2) The individual will be given written notice of his/her excessive or inappropriate utilization and will be requested to select a single physician and/or pharmacy within thirty days. The notice will include the individual's right to request a fair hearing within ninety days if he/she disagrees with ((the findings and)) the department's action. The notice will also advise the individual that failure to cooperate in this procedure will necessitate the department designating a physician and/or pharmacy for the individual or redirecting the individual's medical coupons to the CSO until selection of a physician and/or pharmacy is made. Medical coupons issued to the individuals will be imprinted with the message "RESTRICTED" to facilitate identification by

providers. This restriction will be extended to all individuals listed on the "RESTRICTED" coupons.

(3) Medical services received by restricted individuals will be monitored and payment for services and prescriptions denied unless authorized by the selected designated physician. Providers may bill recipients for these denied services.

(4) In the event of a bona fide emergency, the individual may be seen by a physician other than the one selected. The primary physician may also refer the individual to a specialist when necessary.

WSR 82-14-066
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1836—Filed July 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical assistance, amending chapters 388-81, 388-84, 388-86, 388-99 and 388-100 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement Executive Order 82-13.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-81-030 CASE EXCEPTION. A request for an exception to policy for medical care services denied by strict application of a rule or regulation ((are reviewed)) requires approval by the division of medical assistance, the single state agency for administering Title XIX. See WAC 388-20-020 for exception to policy procedures.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-84-120 APPLICATION FOR STATE FUNDED MEDICAL CARE. (1) Individuals ineligible for a categorical cash assistance program may be provided medical care under the state-funded continuing general assistance program.

(2) The effective date of eligibility for state-funded (GAU) medical care is concurrent with certification for cash assistance, except that medical care may be provided for no more than seven days prior to date of application for financial assistance to an otherwise eligible individual. The seven days shall not include Saturday, Sunday or legal holidays. The department may ((on an exception basis)) waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Termination of state-funded medical occurs with termination of continuing general assistance grant.

(4) Individuals ineligible under subsections (1) or (3) of this section may be eligible under the limited casualty program-medically indigent program. See chapter 388-100 WAC.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-100 DURABLE MEDICAL EQUIPMENT—PROSTHETIC DEVICES. (1) The department shall authorize the purchase or rental of durable medical equipment, prosthetic devices, and other nonreusable medical equipment only when such items will:

- (a) Reduce the length of hospitalization,
- (b) Aid the rehabilitation of an employable person,
- (c) Enable the person to return to or continue to live in his own home,

(d) Be used full time by a nursing home patient who will benefit materially from its use,

(e) Result in financial saving to the department.

(2) ((No approval is required for the purchase of external braces involving the neck, trunk and extremities, nor pressure garments, support hose, canes, or wood crutches.

(3) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision of the appliance will expedite a recipient's release from a hospital.

((4))) Prior approval by the medical director of the division of medical assistance is required for((:

(a) ((Purchase of ((reusable durable)) medical equipment ((costing more than five hundred dollars;

(b) Purchase of nonreusable medical equipment)) or prosthetic devices costing ((more than five hundred dollars)) one thousand dollars or more, except as described in subsection ((((2))) (4) of this section((;));

((c) Metal crutches and other appliances require prior approval of the local medical consultant;))

(3) Prior approval by the local medical consultant is required for:

(a) Purchase of medical equipment or prosthetic devices costing less than one thousand dollars, except as described in subsections (4) and (5) of this section,

((d))) (b) All rentals and repairs ((require prior approval by the local medical consultant)) of medical equipment.

(4) No approval is required for the purchase of external braces involving the neck, trunk and extremities; nor pressure garments, support hose, canes, or wood crutches.

(5) Other nonreusable items costing less than one hundred fifty dollars do not require approval if provision of the appliance will expedite a recipient's release from a hospital.

((5))) (6) A recipient who has medicare part B benefits must utilize this resource for the purchase or rental of any items provided by medicare. Payment of medicare coinsurance and deductibles will be made by the department for purchase of all medicare items.

((6))) (7) Medical equipment and supplies purchased by the department become the property of the recipient.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ ((303))
	323
(b) Two persons	\$ ((434))
	463
(c) Three persons	\$ ((451))
	497
(d) Four persons	\$ 531
(e) Five persons	\$ 612
(f) Six persons	\$ 693
(g) Seven persons	\$ 802
(h) Eight persons	\$ 887
(i) Nine persons	\$ 974
(j) Ten persons	\$ 1,058
and above	

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income based on a three-month calculation.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households (AFDC and SSI related members) eligibility shall be determined as for families and children.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION. (1) Citizenship is not a requirement of eligibility.

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not receiving continuing cash assistance or eligible for any other medical program.

(b) Income shall not exceed the ((payment standards for AFDC)) medically needy income level in WAC 388-99-020 or shall be spentdown to that level according to procedures in WAC 388-99-030.

(c) Nonexempt resources shall not exceed the resource standard for ((AFDC)) SSI or shall be spentdown to that level according to procedures in WAC 388-100-015.

(d) The applicant who has transferred resources within two years prior to the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC 388-100-010. See WAC 388-99-035(2) for determining the uncompensated value of the transferred resource.

(3) ((The following shall be deducted or exempted from income:

(a) Mandatory deductions of employment.

(b) Total income and resources of a noninstitutionalized SSI beneficiary.

(c) Support payments paid under a court order.

(d) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.

(4) The following shall be considered an exempted resource:

(a) A home.

(b) Used and useful household furnishings and personal clothing.

(c) Personal property of great sentimental value.

(d) Livestock or similar property owned by children when profit is reserved for education.

(e) Other personal property used to reduce need for assistance or medical care.

(f) One cemetery plot for each member of the assistance household.

(g) A used and useful automobile.

(5) The following resources are not exempt:

(a) Cash, marketable securities, and any other resource not specifically exempted that can be converted to cash.

(b) The potential earning power of the applicant or recipient. Even if an applicant has no cash resources, current employment or possibility of employment in the future, as evidenced by past opportunities, may be such that the individual could be reasonably expected to pay all or part of the cost of medical care out of future earnings.)) Use AFDC income guidelines in chapter 388-28 WAC to determine treatment of income. Except the AFDC earned income exemption of thirty dollars plus one-third of the remainder does not apply to individuals applying for LCP-MI.

(4) Use AFDC resource guidelines in chapter 388-28 WAC to determine exempt resources.

(5) Satisfy the deductible requirement in WAC 388-100-030.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-100-025 CERTIFICATION. (1) A recipient shall be certified eligible for the duration of treatment for the acute and emergent condition not to exceed three months.

(2) Pregnancy is considered an acute and emergent need. A recipient who has been medically determined to be pregnant shall be certified for separate three-month periods for the duration of the pregnancy plus six weeks for the post partum care, which includes routine care for the newborn. Beyond this period of time eligibility for the mother or the newborn shall be determined separately.

(3) An applicant ((who is required to spenddown)) shall be certified from the day the spenddown and deductible requirements ((is)) are met through the last day of the three-month period which began ((at the time)) with the month of application.

(4) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

(5) Any change in circumstances shall be promptly reported to the local community services office.

(6) Certification may be up to seven working days prior to the date of receipt of a written request for assistance. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

AMENDATORY SECTION (Amending Order 1754, filed 2/3/82)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program—medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. This may include: Inpatient hospital services, outpatient hospital and rural health clinic services, physician and clinic services, prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) When any other medical need is identified for recipients undergoing treatment under the Involuntary Treatment Act (ITA) or detoxification for an acute alcohol condition as defined in chapter 388-40 WAC, the requirements for acute and emergent need and the ((fifteen hundred dollar)) deductible shall apply.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

((8) A request for an exception to policy shall not be approved without review by the division of medical assistance.))

WSR 82-14-067
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1843—Filed July 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Nursing homes—Method of rate determination, amending WAC 388-96-719.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is to implement House Bill No. 1249, section 1 (12), Laws of 1982 2nd ex. sess.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 30, 1982.
By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1820, filed 6/2/82)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by contractors.

(2) Data containing obvious errors, data for facilities which are out of compliance with any condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate upper limits for WAC 388-96-743 and 388-96-735(3).

(3)(a) Adjustments for inflation will be:
(i) 5.0 percent for July 1, 1981 rate setting;
(ii) 4.25 percent for January 1, 1982 rate setting; and
(iii) ((1.625 percent for July 1, 1982 and January 1, 1983 rate setting)) No inflation adjustment increase shall be provided for setting rates effective July 1, 1982 through June 30, 1983. Inflation adjustments made to costs and other rate setting data used for this period shall reflect factors in subsection (3)(a)(i) and (3)(a)(ii) of this section.

(b) Property and return on equity rates will not be adjusted for inflation.

(4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

WSR 82-14-068
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Order 1844—Filed July 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules will have a substantial fiscal impact on the mental health program.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 71.02.412 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1508, filed 5/28/80)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Child Study and Treat- ment Center	Western State Hospital	Eastern State Hospital
(a) INPATIENT SERVICES - Per diem			
Hospital Costs		\$136.71	\$93.28))
		\$104.07	\$115.98
Physician Costs		6.43	4.31))
		3.63	6.82
Total		143.14	97.59))
		107.70	140.90
			122.05
(b) OUTPATIENT SERVICES - Per diem			
Outpatient Day Care	—	—	—
		(34.17))	33.52

	Child Study and Treat- ment Center	Western State Hospital	Eastern State Hospital
(c) ANCILLARY SERVICES - Per Relative Value Unit /			
Radiology:			
Technical Component		3.09	4.46))
		4.50	4.58
Professional Component		(4.37	1.37
		1.38	.63
Total Radiology		(4.46	5.65))
		5.88	5.21
Pathology:			
Technical Component		(.21	21))
		.32	.32
Professional Component		(.11	.11))
		.10	.10
Total Pathology		(.32	.32
		.42	.42
Medical Clinics		(4.19	1.19
		1.60	1.00
Electroencephalogram		(2.73	2.73
		2.22	8.17
Electrocardiogram		—	.35
Inhalation Therapy		—	((4.76))
			7.37
Physical Therapy		(4.23	1.23
		1.65	1.65
Occupational Therapy		—	((22.59))
			36.15
Speech Therapy		—	((4.74))
Dental		(65.04	65.04
		—	19.64))
Podiatry		(4.17	41.77
		1.17	1.05))
		1.09	1.09

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

/California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 82-14-069
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Order 1845—Filed July 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to method of rate determination, new WAC 275-38-855.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement HB 1249.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By David A. Hogan
Director, Division of Administration

NEW SECTION

WAC 275-38-855 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report, and other documents submitted by each contractor.

(2) Data containing obvious errors, data for facilities out of compliance with any condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate upper limits for WAC 275-38-870 and 275-38-875.

(3)(a) Semiannual adjustments for inflation will be:

(i) 5.0 percent for rates effective July 1, 1981, through December 31, 1981.

(ii) 4.25 percent for rates effective January 1, 1982, through June 30, 1982.

(iii) No inflation adjustment increase shall be provided for setting rates effective July 1, 1982 through June 30, 1983. Inflation adjustments made to costs and other rate setting data used for this period shall utilize factors in subsection (3)(a)(i) and (3)(a)(ii) of this section.

(b) Property and return on equity rates will not be adjusted for inflation.

(4) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.

(5) For rate determinations effective July 1, 1982, through June 30, 1983, the department shall establish a redistribution pool consisting of overpayments to contractors for 1981, indicated by preliminary settlements, less one hundred twenty thousand dollars. This pool shall be distributed to contractors pursuant to WAC 275-38-860 and 275-38-870.

WSR 82-14-070

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed July 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

New WAC 390-05-300 Suspension of reporting requirements.
New WAC 390-05-305 Petition for disclosure—Form;

that such agency will at 9:00 a.m., Tuesday, July 27, 1982, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, July 27, 1982, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 27, 1982, and/or orally at 9:00 a.m., Tuesday, July 27, 1982, 2nd Floor Conference Room, Evergreen Plaza Building, Olympia.

This notice is connected to and continues the matter in Notice No. WSR 82-11-080 filed with the code reviser's office on May 18, 1982.

Dated: July 1, 1982

By: Graham E. Johnson
Administrator

WSR 82-14-071

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Order 1826—Filed July 2, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home licensing, amending WAC 248-14-065.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this rule as it is currently written is in conflict with WAC 440-44-085.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 18.51.070 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 2, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1768, filed 2/18/82)

WAC 248-14-065 LICENSE EXPIRATION DATES AND LICENSE FEES. ((~~The department shall issue nursing home licenses initially and reissue nursing home licenses as often thereafter as necessary to stagger license expiration dates throughout the calendar year so as to cause approximately one-twelfth of the total number of nursing home licenses to expire on the last day of each month, but~~) No license issued pursuant to this chapter shall exceed thirty-six months in duration. ((Prior to the issuance or renewal of the license, the licensee shall pay a license fee of one hundred dollars per year plus two dollars per bed per year. PROVIDED, That, when the annual license renewal date of a previously-licensed nursing home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of issuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay the full licensing fee established by the department for the facility at the time of application for the license. If there is failure to comply with the provisions of chapter 18.51 RCW or this chapter, the department may, in the department's discretion, issue a provisional license to permit the operation of the nursing home for a period of time to be determined by the department, but not to exceed thirty-six months)) License fees shall be paid as required in chapter 440-44 WAC.

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by July 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, August 11, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, August 18, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 71.02.412.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 10:00 a.m., Wednesday, August 11, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: July 1, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

Re: Amending WAC 275-16-030.

The Purpose of the Rule or Rule Change: To revise schedule of charges for state hospitals. Charges will generally be increased which will result in substantial additional revenue to the state.

The Reasons These Rules are Necessary: To reflect current costs of operating the state hospitals.

Statutory Authority: RCW 71.02.410.

Summary of the Rule or Rule Change: Revise schedule of charges for state hospitals based on current operating costs.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gary Downs, Program Fiscal Manager, Mental Health Division, Mailstop: OB-42F, (206) 753-5414, Scan 234-5414.

The Person or Organization (if other than DSHS) who Proposed These Rules: N/A.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1508, filed 5/28/80)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning schedule of charges, amending WAC 275-16-030.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

(1) COSTING AND BILLING RATES

		Child Study and Treat- ment Center	Eastern State Hospital
	Western State Hospital		
(a) INPATIENT SERVICES - Per diem			
Hospital Costs	((674.23 \$136.71 \$93.28)) \$104.07 \$134.08 \$115.98		
Physician Costs	((3.24 6.43 4.31)) 3.63 6.82 6.07		
Total	((77.47 143.14 97.59)) 107.70 140.90 122.05		
(b) OUTPATIENT SERVICES - Per diem			
Outpatient Day Care	— ((34.17)) 33.52	—	—
(c) ANCILLARY SERVICES - Per Relative Value Unit /			
Radiology:			
Technical Component	((3.09 3.09 4.46)) 4.50 4.50 4.58		
Professional Component	((1.37 1.37 1.19)) 1.38 1.38 .63		
Total Radiology	((4.46 4.46 5.65)) 5.88 5.88 5.21		
Pathology:			
Technical Component	((.21 .21)) .32 .32	—	
Professional Component	((.11 .11)) .10 .10	—	
Total Pathology	((.32 .32 .47)) .42 .42 .31		
Medical Clinics	((1.19 1.19 1.08)) 1.60 1.60 1.00		
Electroencephalogram	((2.73 2.73 5.04)) 2.22 2.22 8.17		
Electrocardiogram	— — .35		
Inhalation Therapy	— — ((1.76)) 7.37		
Physical Therapy	((1.23 1.23)) 1.65 1.65 1.72		
Occupational Therapy	— — ((22.59)) 36.15		
Speech Therapy	— — ((1.74)) 6.32		
Dental	((65.04 65.04 19.64)) — — 41.77		
Podiatry	((1.17 1.17 1.05)) 1.09 1.09 —		

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

**WSR 82-14-073
PROPOSED RULES
BOARD OF PHARMACY**
[Filed July 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-36-020; alternate, repealing WAC 360-36-020; and adding new section WAC 360-32-060;

that such agency will at 9:00 a.m., Thursday, July 29, 1982, in the King County Precinct 4, 14905 Sixth S.W., Burien, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 18.64.005 and 69.41.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to July 29, 1982, and/or orally at 9:00 a.m., Thursday, July 29, 1982, King County Precinct 4, 14905 Sixth S.W., Burien, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-11-084 filed with the code reviser's office on May 18, 1982.

Dated: July 2, 1982
By: Donald H. Williams
Executive Secretary

**WSR 82-14-074
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION**
[Memorandum—July 2, 1982]

The State Hospital Commission will meet in Seattle in the Seattle Hyatt, SeaTac, on Thursday, July 22, 1982. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are also scheduled for August 12 and August 26, 1982, at the Hyatt Hotel, SeaTac.

**WSR 82-14-075
ADOPTED RULES
BIG BEND
COMMUNITY COLLEGE**
[Resolution No. 82-6—Filed July 6, 1982]

Be it resolved by the board of trustees of Washington Community College District 18, of the Big Bend Community College, acting at Board Room, Student Center and Administration Building, Big Bend Community College, Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to collective bargaining relating to tenure.

This action is taken pursuant to Notice No. WSR 82-09-040 filed with the code reviser on April 14, 1982. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50-.852 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 28, 1982.
By Peter D. DeVries
President

Chapter 132R-130

COLLECTIVE BARGAINING RELATING TO TENURE

NEW SECTION

WAC 132R-130-010 This rule is adopted pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is declared that the collective bargaining agreement and/or policies of the college shall contain provisions relating to the following subject matter areas of implementation regarding tenure and shall be consistent with the laws of the State of Washington: recommendations for tenure; reduction in force procedures; dismissal procedures; hearing procedures; rights of appeal.

WSR 82-14-076 PROPOSED RULES EVERETT COMMUNITY COLLEGE [Filed July 6, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Washington State Community College District V intends to adopt, amend, or repeal rules concerning policy and regulations governing reduction-in-force, chapter 132E-130 WAC.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Dr. Paul D. Walker, President
Everett Community College
801 Wetmore
Everett, WA 98201
(206) 259-7151 Ext. 202

that such institution will at 5:00 p.m., Tuesday, August 10, 1982, in the Bookstore Conference Room, Everett Community College, 801 Wetmore, Everett, WA 98201, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to August 10, 1982, and/or orally at 5:00 p.m., Tuesday, August 10, 1982, Bookstore Conference Room, Everett Community College, 801 Wetmore, Everett, WA 98201.

Dated: July 2, 1982
By: Paul D. Walker
President

STATEMENT OF PURPOSE

Title and Number of Rule Sections(s) or Chapter(s): Chapter 132E-130 WAC, Policy and Regulations Governing Reduction-in-Force.

Statutory Authority: RCW 28B.50.140.

Summary of the Rule(s): This notice proposed a new section to chapter 132E-130 WAC, Policy and Regulations Governing Reduction-in-Force. These rules reflect a board adopted policy regarding reduction-in-force to assure a clearly defined process for the reduction of faculty positions and dismissal of faculty where necessary.

Description of the Purpose of the Rule(s): The board of trustees of Washington Community College District V has proposed these rules to assure a clearly defined process for the reduction of faculty positions and dismissal of faculty.

Reasons Supporting the Proposed Rule(s): The previous rules for reduction-in-force were part of a negotiated agreement with Snohomish County Community College Federation of Teachers, Local 1873 AFT, AFL/CIO which expired on February 15, 1982. The successive negotiated agreement does not contain rules for reduction-in-force and the college is presently operating with emergency rules.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Dr. Paul D. Walker, President, Everett Community College, 801 Wetmore, Everett, WA 98201, (206) 259-7151.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Community College District V.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Chapter 132E-130 WAC EVERETT COMMUNITY COLLEGE POLICY AND REGULATIONS GOVERNING REDUCTION-IN-FORCE

NEW SECTION

WAC 132E-130-010 PURPOSE. (1) This policy shall govern reduction-in-force, which is deemed to constitute sufficient or adequate cause for dismissal/termination of probationary faculty employees prior to the written term of their individual appointment or tenured faculty employees.

(2) Reduction-in-force shall include, but not be limited to, any of the following grounds:

(a) Lack of funds.
 (b) Elimination and/or reduction of programs, courses or services.
 (c) Decreased enrollment.
 (d) Changes in educational policy and/or goals.
 (3) Nothing in this reduction-in-force policy shall be construed to affect the decision and right of the appointing authority not to renew a probationary academic employee appointment without cause pursuant to RCW 28B.50.857.

NEW SECTION

WAC 132E-130-020 IMPLEMENTATION OF REDUCTION-IN-FORCE. If the number of academic employees is to be reduced, the district president shall decide which programs and/or support services are most necessary to maintain the educational mission of the district. The district president shall then decide the number of full-time academic employees to be laid off in each lay-off unit. If a reduction is determined to be necessary, the order of reduction normally will be based on seniority within the applicable lay-off unit. In instances where it is in the best interest of the college, and after consultation with appropriate administrators responsible for and/or related to the lay-off unit regarding qualifications and/or performance of involved faculty, the district president may determine individuals to be laid off without following the order of seniority. Subsequent steps in the procedure for reduction-in-force are specified in Appendix B of the District V/Everett Community College Federation of Teachers Labor Agreement.

NEW SECTION

WAC 132E-130-030 SENIORITY. Seniority shall be determined by establishing the date of the signing of the first full-time contract for continuous full-time professional services for Community College District V and continuous professional services for the Everett School District prior to July, 1967. Continuous service shall include leaves of absence, professional leaves, and periods of lay-offs. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty members have the same beginning date of full-time professional service, seniority shall be determined in the following order:

- (1) First date of signature of an employment contract.
- (2) First date of signature of letter of intent.
- (3) First date of application for employment.

NEW SECTION

WAC 132E-130-040 LAY-OFF UNITS. (1) The lay-off units included under this policy are as follows:

Accounting and General Business	Environmental Science
Alternative Education	Family Life
Anthropology	Fire Science
Art	Food Technology
Automotive Technology	Foreign Languages
Aviation Technology	Forestry
Biology	Geography
Carpentry	Geology
Chemistry	History
Cosmetology	Home Economics
Counseling	Journalism
Dance	Law Enforcement
Data Processing	Library
Developmental Studies	Licensed Practical Nursing
Economics	Math
Electronics	Media Services
Emergency Medical	Music
Engineering	Nursing Aide
English	Paramedical
Philosophy	Real Estate
Photography	Registered Nursing
Physical Education	Secretarial
Physics and Physical Science	Sociology
Political Science	Speech
Psychology	Theater
Quality Control	Water Science
	Welding

(2) Additional lay-off units may be included under this policy at the discretion of the district president. Seniority lists of tenured and probationary faculty will be developed and published and/or posted by the district president and will be updated on or about November 1 of each year. Tenured and probationary academic employees shall be placed in the lay-off unit which best reflects their training and ability as determined by the district president.

WSR 82-14-077**EMERGENCY RULES****EVERETT COMMUNITY COLLEGE**

[Order 82-6A-2, Resolution No. 82-6A-2—Filed July 6, 1982]

Be it resolved by the board of trustees of Washington Community College District V, acting at the Everett Community College Campus, Bookstore Conference Room, that it does promulgate and adopt the annexed rules relating to policy and regulations governing reduction-in-force, chapter 132E-130 WAC.

We find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the board adopted policy regarding reduction in force to assure a clearly defined process for the reduction of faculty positions and dismissal of faculty where necessary in a continuing situation of fiscal emergency which may necessitate the reduction of the college work force.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 28B.50.140 which directs that Washington Community College District V has authority to implement the provisions of RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 2, 1982.

By Paul D. Walker
President

Chapter 132E-130 WAC
EVERETT COMMUNITY COLLEGE POLICY
AND REGULATIONS GOVERNING REDUCTION-IN-FORCE

NEW SECTION

WAC 132E-130-010 PURPOSE. (1) This policy shall govern reduction-in-force, which is deemed to constitute sufficient or adequate cause for dismissal/termination of probationary faculty employees prior to the written term of their individual appointment or tenured faculty employees.

(2) Reduction-in-force shall include, but not be limited to, any of the following grounds:

- (a) Lack of funds.
- (b) Elimination and/or reduction of programs, courses or services.

(c) Decreased enrollment.

(d) Changes in educational policy and/or goals.

(3) Nothing in this reduction-in-force policy shall be construed to affect the decision and right of the appointing authority not to renew a probationary academic employee appointment without cause pursuant to RCW 28B.50.857.

NEW SECTION

WAC 132E-130-020 IMPLEMENTATION OF REDUCTION-IN-FORCE. If the number of academic employees is to be reduced, the district president shall decide which programs and/or support services are most necessary to maintain the educational mission of the district. The district president shall then decide the number of full-time academic employees to be laid off in each lay-off unit. If a reduction is determined to be necessary, the order of reduction normally will be based on seniority within the applicable lay-off unit. In instances where it is in the best interest of the college, and after consultation with appropriate administrators responsible for and/or related to the lay-off unit regarding qualifications and/or performance of involved faculty, the district president may determine individuals to be laid off without following the order of seniority. Subsequent steps in the procedure for reduction-in-force are specified in Appendix B of the District V/Everett Community College Federation of Teachers Labor Agreement.

NEW SECTION

WAC 132E-130-030 SENIORITY. Seniority shall be determined by establishing the date of the signing of the first full-time contract for continuous full-time professional services for Community College District V and continuous professional services for the Everett School District prior to July, 1967. Continuous service shall include leaves of absence, professional leaves, and periods of lay-offs. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty members have the same beginning date of full-time professional service, seniority shall be determined in the following order:

- (1) First date of signature of an employment contract.
- (2) First date of signature of letter of intent.
- (3) First date of application for employment.

NEW SECTION

WAC 132E-130-040 LAY-OFF UNITS. (1) The lay-off units included under this policy are as follows:

Accounting and General Business	Environmental Science
Alternative Education	Family Life
Anthropology	Fire Science
Art	Food Technology
Automotive Technology	Foreign Languages
Aviation Technology	Forestry
Biology	Geography
Carpentry	Geology
Chemistry	History
Cosmetology	Home Economics
Counseling	Journalism
Dance	Law Enforcement
Data Processing	Library
Developmental Studies	Licensed Practical Nursing
Economics	Math
Electronics	Media Services
Emergency Medical	Music
Engineering	Nursing Aide
English	Paramedical
Philosophy	Real Estate
Photography	Registered Nursing
Physical Education	Secretarial
Physics and Physical Science	Sociology
Political Science	Speech
Psychology	Theater
Quality Control	Water Science
	Welding

(2) Additional lay-off units may be included under this policy at the discretion of the district president. Seniority lists of tenured and probationary faculty will be developed and published and/or posted by the district president and will be updated on or about November 1 of each year. Tenured and probationary academic employees shall be placed in the lay-off unit which best reflects their training and ability as determined by the district president.

WSR 82-14-078
WITHDRAWAL OF PROPOSED RULES
APPLE ADVERTISING COMMISSION

[Filed July 6, 1982]

Please withdraw the filing of CR-1 filed with your office June 18, 1982, under WSR 82-13-076, amendment to WAC 24-12-010.

By: James Arneil

WSR 82-14-079
PROPOSED RULES
APPLE ADVERTISING COMMISSION

[Filed July 6, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning increasing the state apple advertising assessment from 21 cents cwt. gross billing weight to 54.5 cents cwt. gross billing weight;

that such agency will at 9:00 a.m., Tuesday, August 10, 1982, in the Thunderbird Motor Inn, 1225 North

Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 15.24.070(1) and 15.24.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9:00 a.m., Tuesday, August 10, 1982, and/or orally at 9:00 a.m., Tuesday, August 10, 1982, Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: June 30, 1982

By: Joe Brownlow
Secretary-Manager

STATEMENT OF PURPOSE

Title: WAC 24-12-010 Amount of Assessments.

Description of Purpose: To increase state apple advertising assessment.

Statutory Authority: RCW 15.24.070(1) and 15.24.090.

Summary of Rule: To increase the state apple advertising assessment from 21 cents cwt. gross billing weight to 54.5 cents cwt. gross billing weight.

Reasons Supporting the Proposed Action: The revenue presently being raised by the Washington State Apple Advertising Commission is inadequate to accomplish the purposes of the commission, as a result of inflationary increase in costs, increasing production, and need for additional market promotion.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Joseph T. Brownlow, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, Telephone (509) 662-2123.

Person or Organization Proposing the Rule, and Whether Public, Private, or Governmental: Washington State Apple Advertising Commission, governmental state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

Whether the Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The proposed increase of Washington State Apple Advertising Assessments from 21 cents cwt. to 54.5 cents cwt. does not increase the costs of equipment, supplies, labor or administration since the apple industry is already reporting and paying assessments and an increase in the amount thereof is not expected to increase these costs. There will, however, be an increase in the costs of sales. The sales costs of a packed box of apples will be increased in the amount of 15.4 cents based on a 46 pound box of apples. While the sales price of a box of packed apples is dependent upon the market, size, variety, and condition, among other factors, if an average sales price of \$10.00 per box is assumed, 10 boxes of apples will equal \$100.00 of sales. If each box is assessed an additional 15.4 cents, \$100.00 of sales will incur an additional cost of assessment in the amount of \$1.54. Since the proposed rule equally affects each box of apples, it is

not anticipated there will be any significant difference in cost of compliance for small businesses as compared to the 10% of firms which are the largest businesses required to comply with the proposed amendatory rule.

TEXT OF RULE

AMENDATORY SECTION (Amending Order 9, filed 7/27/81)

WAC 24-12-010 AMOUNT OF ASSESSMENTS. There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of ((6 cents on each one hundred pounds (100 lbs.) gross billing weight applicable to the 1980 crop of apples, and an assessment of 21)) 54.5 cents on each one hundred pounds (100 lbs.) gross billing weight ((applicable to the 1981 and subsequent crops of apples)). Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

WSR 82-14-080

PROPOSED RULES

APPLE ADVERTISING COMMISSION

[Filed July 6, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning requires each voting apple grower to complete and return an Apple Grower Eligibility Certificate with each ballot in a referendum mail ballot; prescribes the form of the certificate; and authorizes the commission and the director of the Department of Agriculture to rely on the certificate in counting and validating ballots; and defining the terms "apple grower" and "commercial producing apple orchard" for referendum mail ballots;

that such agency will at 9:00 a.m., Tuesday, August 10, 1982, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 15.24.070(1) and 15.24.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to 9:00 a.m., Tuesday, August 10, 1982, and/or orally at 9:00 a.m., Tuesday, August 10, 1982, Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

This notice is connected to and continues the matter in Notice No. WSR 82-13-083 filed with the code reviser's office on June 21, 1982.

Dated: June 30, 1982
By: Joe Brownlow
Secretary-Manager

WSR 82-14-081
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1767—Filed July 6, 1982]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to aerial application of desiccants and defoliants, WAC 16-230-170.

This action is taken pursuant to Notice No. WSR 82-12-058 filed with the code reviser on June 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 17.21.030 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 6, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1682, filed 4/4/80)

WAC 16-230-170 AERIAL EQUIPMENT—BOOM LENGTH, PRESSURE, NOZZLE REQUIREMENT, NOZZLE HEIGHT OF DISCHARGE AND SMOKE DEVICE REQUIREMENTS FOR THE ENTIRE AREA UNDER ORDER. (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliants.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliants shall be 25 psi.

(3) Nozzle requirements for applications of restricted use desiccants and defoliants:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet,

cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: PROVIDED, That the RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliants: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliants shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington State department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliants within the area under order as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

WSR 82-14-082
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-74—Filed July 6, 1982]

I, Rolland A. Schmitt, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is allows for harvest of sturgeon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 6, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-40-02200R WILLAPA BAY Notwithstanding the provisions of WAC 220-40-021 and WAC 220-40-022, it is lawful to fish for or possess foodfish for commercial purposes with gill net gear in Willapa Harbor Fishing Area 2M from 6:00 P.M. July 6, 1982 to 11:59 P.M. July 31, 1982.

**WSR 82-14-083
EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD**
[Order 97—Filed July 7, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Central Washington University, Ellensburg, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 251-04-020	Definitions.
Amd	WAC 251-04-050	Higher Education Personnel Board.
Amd	WAC 251-04-070	Personnel officers.
Amd	WAC 251-04-040	Exemptions.
Amd	WAC 251-06-010	Classification plan—Preparation.
Amd	WAC 251-06-090	Probationary period—Duration.
New	WAC 251-10-031	Layoff—Equal layoff seniority.
Amd	WAC 251-10-045	Layoff—Veterans retention preference.
Amd	WAC 251-10-060	Layoff lists—State wide.
Amd	WAC 251-14-058	Union shop requirements.
Amd	WAC 251-18-240	Certification—Method.
Amd	WAC 251-18-250	Certification—Selective.
Amd	WAC 251-18-260	Certification—Incomplete.
Amd	WAC 251-18-265	Certification—Concurrent.
Amd	WAC 251-18-280	Certification—Selection—Actions required.
Amd	WAC 251-18-320	Appointment—Probationary.
Amd	WAC 251-18-340	Appointment—Permanent status.
Amd	WAC 251-22-200	Leave of absence without pay.

We, the Higher Education Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is at the close of the 1982 regular session, ESB 5007 was enacted to be effective July 10, 1982. Sufficient time was not available for the board to comply with APA requirements and adopt these rules on a permanent basis prior to July 10, 1982.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED June 17, 1982.

By Dennis Carlson
Acting Director

AMENDATORY SECTION (Amending Order 93, filed 2/3/82)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" — A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" — Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" — Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry, or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" — The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY" — A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" – The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" – Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"DEMOTION" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting, or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"INSTRUCTIONAL YEAR" – The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year, and/or
- (4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month(s) period of employment in a class following appointment from an eligible list of a nonpermanent employee of the institution. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"TEMPORARY APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days, or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of

the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(5).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. No member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his/her appointment shall have been approved by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis((;)) and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to ((two)) four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment((; both according to seniority)); determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and

decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein ((shall)) permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory, increment or merit increases within the series of steps for each pay grade((, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service)); and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. ((A standardized procedure shall be instituted not later than July 1, 1978, for all employees.)) This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-070 PERSONNEL OFFICERS. (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of the higher education personnel act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the higher education personnel board shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of employees.
- (c) Examinations for all positions in the competitive and noncompetitive service.
- (d) Probationary periods of six to twelve months and retention and rejections therein.
- (e) Sick leaves and vacations.
- (f) Hours of work.
- (g) Layoffs when necessary and subsequent reemployment.
- (h) Allocation and reallocation of positions within the classification plans.
- (i) Training programs.
- (j) Maintenance of personnel records.

AMENDATORY SECTION (Amending Order 93, filed 2/3/82)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants, deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2)(a) Students employed under separately funded student assistance work programs, or who are employed in a position directly related to the major field of study to provide training opportunity; or who are elected or appointed to student body offices or student organization positions such as student officers or student news staff members.

(b) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

(c) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-04-020.

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(6) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(7) ((Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to the regular position, or to a like position, at the conclusion of such temporary appointment.)) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years, and (b) if an appointment was accepted prior to July 10, 1982 then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(8) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-06-010 CLASSIFICATION PLAN—PREPARATION. The director shall prepare and may revise for board approval a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of

the classes which require a probationary period of more than six months.

NEW SECTION

WAC 251-06-090 PROBATIONARY PERIOD—

DURATION. (1) The probationary period for all classes in the HEPB classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the HEPB classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

NEW SECTION

WAC 251-10-031 LAYOFF—EQUAL LAYOFF

SENIORITY. (1) The decision on which employees to lay off shall be based on layoff seniority as defined in WAC 251-04-020, except that when layoff seniority is equal, performance shall be used as the determining factor and employees having the highest performance evaluation ratings based on the last regular annual evaluation shall be retained in preference to those having lower evaluation ratings.

(2) The director shall establish standards and procedures to be used for computing the numerical average of an employee's performance evaluation ratings assigned by his/her supervisor.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-045 LAYOFF—VETERANS RETENTION PREFERENCE. (1) For the purpose of this section veteran means any permanent employee who has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(2) Veterans as defined in subsection (1) of this section shall have added to their unbroken service in an institution of higher education, their total active military service, not to exceed five years. The combined total of unbroken institutional employment and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow/widower of an eligible veteran ((shall be)) is entitled to veterans retention benefits

as outlined in subsections (1) and (2) of this section regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" ((shall)) does not include any person who as a veteran retired with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

AMENDATORY SECTION (Amending Order 70, filed 9/29/78, effective 11/1/78)

WAC 251-10-060 LAYOFF LISTS—STATEWIDE. (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: PROVIDED, That:

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

(i) Class(es) in which he/she has held permanent status, or

(ii) Lower class(es) in the same class series, or for

(iii) Equivalent classes under the jurisdiction of the state department of personnel; and

(c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

(3) The duration of eligibility on this list shall be one year from the date of placement on the list.

(4) Referral from this list shall be on a rule of ((three)) five.

(5) Employees appointed from this list shall be required to serve a probationary period of six months. Termination during the probationary period shall not affect the employees' status on state-wide layoff lists upon which they previously have been placed.

(6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Annual leave shall be computed as provided in WAC 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-058 UNION SHOP REQUIREMENTS. (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to become members of such employee organization within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization ((shall be)) is satisfied by the payment of monthly or other periodic dues and ((shall)) does not require payment of initiation, reinstatement, or any other fees or fines, and ((shall)) includes full and complete membership rights.

(3) Employees who wish the right of nonassociation with an employee organization must base their reasons on bona fide religious tenets or teachings of a church or religious body of which they are members. Such requests must be presented to the personnel office on the campus of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop representation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the union shop representation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but ((shall be)) is entitled to the same representation rights as a member of the employee organization.

(7) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative, is membership in that employee organization or the regular payment of a union shop representation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, ((shall)) constitutes cause for dismissal per the provisions of WAC 251-10-170.

(8) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with WAC 251-14-058.

(9) The requirement to be a member of an employee organization or the payment of a union shop representation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC 251-14-050 or 251-14-054.

(10) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization and/or to pay a union shop representation fee as a condition of employment.

(11) Payroll deductions for employee organization dues and/or union shop representation fees may be provided by the institution upon written authorization from the employee.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel requisition, the personnel officer shall provide to the employing official a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) ((In the case of certification made from an institution-wide layoff list, the personnel officer shall certify the eligible with the greatest layoff seniority. If there are no eligibles on the institution-wide layoff list for the class,)) The personnel officer shall certify to the employing official ((two)) four more names than there are vacancies to be filled by the certification in strict order of standing on the eligible list(s)((; except that if there are no existing promotional eligible lists at the time of certification, and there are eligibles on the special employment program layoff lists, the certification will be limited to the senior eligible on the list)).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Except as provided in subsection (4) of this section eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

- (a) Institution-wide Layoff List
- (b) Organizational Unit Promotion List
- (c) Institution-wide Promotion List
- (d) Special Employment Program Layoff List
- (e) State-wide Layoff List
- (f) Open Competitive or Noncompetitive List.

(4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are ((no)) insufficient eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of

this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of ((two)) four more names than there are vacancies to be filled by the certification((, even if the lists contain persons from the special employment program layoff list)).

AMENDATORY SECTION (Amending Order 84, filed 7/2/80)

WAC 251-18-250 CERTIFICATION—SELECTIVE. (1) The personnel officer may declare a selective certification of eligibles to fill a vacancy under the following conditions:

(a) When there is a requirement for specialized and/or distinctive technical or professional qualifications essential to fill the work requirements of a particular position;

(b) When the institution/related board is utilizing a corrective employment program to increase the representation of employees by race, sex or handicap per provisions of WAC 251-18-390, Corrective Employment Programs.

(2) Recruiting bulletins issued to establish lists of eligibles from which selective certification may be made must include the special qualifications and/or indicate that selective certification in accord with corrective employment program regulations may be utilized.

(3) The eligibles selectively certified shall be in strict order of their standing on the appropriate lists from among those meeting the approved selective criteria. When selective certification for corrective employment purposes as provided in subsection (1)(b) of this section does not result in a complete certification of ((two)) four more names than there are vacancies to be filled, the personnel officer may complete the certification by adding the necessary number of names from the top of the appropriate eligible list as provided in WAC 251-18-240(3).

(4) The appointment of employees hired or promoted through selective certification will be reported monthly to the director.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-260 CERTIFICATION—INCOMPLETE. When the number of names available for filling any vacancy is fewer than ((three)) five, the employing official may make an appointment from the certification or decline to do so.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-265 CERTIFICATION—CURRENT. When more than one department submits a request for certification for a class concurrently, the top ((three)) five names on the appropriate employment list will be certified to each department for consideration and selection.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-280 CERTIFICATION—SELECTION—ACTIONS REQUIRED. (1) Following certification of eligibles and upon completion of the resulting interviews, the personnel officer shall record one of the following dispositions of the employing official for each name certified:

(a) Eligible was interviewed and considered but not appointed;

(b) Eligible waived consideration for the position;

(c) Eligible could not be contacted, provided he/she had been given at least two working days to respond to notice of certification;

(d) Eligible failed to appear for the interview; or

(e) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than ((two)) four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-320 APPOINTMENT—PROBATIONARY. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open—Competitive or Noncompetitive List.

(b) Institution—Wide Layoff List – when the employee was in probationary status at the time of layoff.

(c) State—wide Layoff List.

(d) Combined eligible list as provided in WAC 251-18-181 and 251-18-240(4) when the person appointed is not a permanent employee of the institution.

(2) The probationary period will continue for ((a period of six months)) the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-340 APPOINTMENT—PERMANENT STATUS. Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a ((six month)) probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has held permanent status during the current period of employment at the institution.

(3) Transfer within a class.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-22-200 LEAVE OF ABSENCE WITHOUT PAY. (1) Leave of absence without pay may be allowed for any of the following reasons:

(a) Conditions applicable for leave with pay;

(b) Maternity leave;

(c) Educational leave;

(d) Leave for Government service in the public interest;

(e) To accommodate annual work schedules of employees occupying positions established on the basis of an instructional year as specified in WAC 251-18-380.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Annual leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, except as provided in WAC 251-18-380(2).

(5) A classified employee taking ((a temporary)) an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of ((such temporary)) the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the ((temporary employment)) exempt appointment.

WSR 82-14-084
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed July 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure

Commission intends to adopt, amend, or repeal rules concerning copying of public records, WAC 390-14-030;

that such agency will at 9:00 a.m., Tuesday, August 24, 1982, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, August 24, 1982, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 24, 1982, and/or orally at 9:00 a.m., Tuesday, August 24, 1982, 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, Washington.

Dated: July 1, 1982

By: Graham E. Johnson
Administrator

STATEMENT OF PURPOSE

Title: WAC 390-14-030 Copying of Public Records.

Description of Purpose: To reimburse the commission for actual costs of copying.

Statutory Authority: RCW 42.17.300.

Summary of Rule: To reimburse commission for actual costs of making copies of public records.

Reasons Supporting Proposed Action: Change in rule wording requested by Administrative Rules Review Committee.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Administrator.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: PDC staff.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency]

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: NA.

AMENDATORY SECTION (Amending Order 82-01, filed 2/4/82)

WAC 390-14-030 COPYING OF PUBLIC RECORDS. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records maintained on paper. A fee of twenty-five cents per film shall be charged for copies of microfiche. These charges are the amounts necessary to reimburse the commission for its actual costs incident to such copying ((and for)) including the use of the commission's copy equipment.

WSR 82-14-085 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION [Filed July 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities

and Transportation Commission intends to adopt, amend, or repeal rules concerning WAC 480-12-210 relating to leasing. The proposed amendatory section is shown below as Appendix A, Cause No. TV-1626. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, August 11, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040 and 81.80.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 10, 1982, and/or orally at 8:00 a.m., Wednesday, August 11, 1982, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: July 7, 1982

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-210 relating to leasing.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to ease the present restriction against auto transportation companies leasing equipment to be used in express pickup and delivery service.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, phone: (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 81.80.130.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values, and does not fall within the purview of the Small Business Regulatory Fairness Act, chapter 6, Laws of 1982, inasmuch as the amendment does not affect more than twenty percent of all industries or more than ten percent of any one industry; and the amendment eases leasing restrictions that would otherwise apply to large and small carriers within its ambit.

This certifies that copies of this statement are on file with the commission, are available for public inspection,

and that three copies of this statement are this date being forwarded to the Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

APPENDIX A

AMENDATORY SECTION (Amending Order R-151, Cause No. TV-1373, filed 9/17/80)

WAC 480-12-210 LEASING. Other than equipment exchanged between motor common carriers in interchange service, as provided in WAC 480-12-155, common or contract carriers may perform common or contract transportation in or with equipment which they do not own only in accordance with this ((leasing)) rule.* The arrangement for such equipment shall contain the provisions provided for in this rule and be prepared in the manner so provided, and the parties to the lease shall observe such provisions and manner of preparation. Any failure to so observe the provisions of the lease and/or the manner of preparation shall be a violation of this rule.

(1) Contract Requirements.

The contract, lease, or other arrangement for the use of such equipment shall:

(a) Be made between the common or contract carrier and the owner of the equipment;

(b) Be in writing and signed by the parties thereto, or their regular employees or agents duly authorized to act for them in the execution of contracts, ((for)) leases, or other arrangements;

(c) Specify the period for which it applies which shall not be less than thirty days when the equipment is to be operated for the common or contract carrier by the owner, or by an employee of the owner: PROVIDED, That for good cause shown the commission may, by order, grant a waiver of this subdivision and of subdivision (e) to the extent of permitting leases of less than thirty days duration in connection with equipment operated by the owner or by an employee of the owner;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said contract, lease, or other arrangement, except, however, in the case of long term leases providing for intermittent operations entered into between household goods carriers authorized for the intrastate transportation of household goods as defined by this commission, such provisions need only apply during the period the equipment is operated by or for the lessee;

(e) Provide that during the period of the lease, contract, or other arrangement the driver of the leased vehicle shall be to the lessee as servant to master and the driver shall be on the payroll of the lessee, and shall be paid by the lessee, except that in the case of a long term lease entered into by a common carrier of mobile homes, or a long term lease entered into by an auto transportation company only when the leased equipment is to be utilized in the transportation of bus express shipments in pickup and delivery service as defined under chapter 81.68 RCW and chapter 480-30 WAC, the driver may be the owner of the equipment or an employee of the owner;

(f) Specify the compensation to be paid by the lessee for the rental of the leased equipment. Such compensation shall be a specified sum per period of time, i.e. per month, per week or a specified sum per period of time ((of time)) plus a specific sum per mile of use. The amount of compensation specified and accordingly paid shall not be based upon a division of revenue, except such method of compensation shall be permissible (i) between authorized carriers of household goods when the leased equipment is used for the transportation of household goods as defined by this commission ((and)), (ii) between an authorized common carrier of mobile homes, and (iii) between an authorized auto transportation company when the leased equipment is to be utilized in the transportation of bus express shipments in pickup and delivery service as defined under chapter 81.68 RCW and chapter 480-30 WAC and an owner of equipment under a long term lease;

(g) Specify the time and date or the circumstances on which the contract, lease, or other arrangement begins and the time or the circumstances on which it ends;

(h) Be executed in quadruplicate and submitted to the commission for approval. The approved original shall be retained by the common

or contract carrier in whose service the equipment is to be operated, one approved copy shall be retained by the owner of the equipment, one approved copy shall be carried on the equipment specified therein during the entire period of the contract, lease or other arrangement((,)), and one approved copy shall be retained in commission files, except that (i) a master lease agreement outlining in detail the leasing arrangements between specifically named parties may be filed for approval in lieu of separate leases in connection with each occurrence, and that (ii) leases covering transportation in interstate commerce need not be filed: PROVIDED, That leased equipment is not acquired and operated under the provisions of subdivision (i) of this subsection;

(i) Where the leased equipment is acquired and operated by the lessee on a long term lease pursuant to rules and regulations of the interstate commerce commission governing such a lease, and the operation of the leased equipment is primarily in interstate commerce not performed wholly within the bounds of this state, and the use of such equipment in intrastate commerce has an immediate prior and immediate subsequent movement in interstate commerce from or to points without this state, the operation of such equipment may be governed by rules and regulations of the interstate commerce commission governing such a lease((,:)); PROVIDED, That the total annual use in intrastate commerce does not exceed 15% as compared to its use in interstate commerce, and foregoing provisions of subdivisions (a), (b), (c), (d), (e), and (f) of this section shall not apply. For purposes of this subdivision "immediate" shall mean there shall be no haul between the initial qualifying interstate movement and the intrastate haul nor between the intrastate haul and the subsequent interstate movement.

Common and contract carriers wishing to operate under the provisions of this subdivision shall apply to the commission for permission to do so, setting forth facts supporting the application.

(2) Identification.

The common or contract carrier acquiring the use of equipment under this rule shall properly and correctly identify the equipment as being operated by the lessee during the period of the lease, contract, or other arrangement, in accordance with the requirements of WAC 480-12-150.

If a removable device is used to identify the lessee as the operating carrier, such device shall be on durable material such as wood, plastic, or metal.

The common or contract carrier operating equipment under these rules shall remove any legend showing it as the operating carrier displayed on such equipment, and shall remove any removable device showing it as the operating carrier before relinquishing possession of the equipment.

(3) Rental of Equipment to Private Carriers, Shippers, Contractors and Combination-of-Service-Carriers.

(a) Unless such service is specified in their operating authorities, common or contract carriers shall not rent equipment with drivers to private carriers or shippers.

(b) Common or contract carriers shall not rent, contract or lease, or by other arrangement furnish, equipment without drivers to private carriers or shippers without first having obtained approval of the rental contract from this commission and, in this connection, the commission will examine the terms of the rental agreement and all facts and circumstances surrounding it to determine the effect of the lease insofar as established rates and operating authority is concerned.

(c) Dump trucks and logging trucks shall not be leased or rented by common or contract carriers to construction contractors, loggers, combination-of-service carriers or other parties engaged in logging and construction operations: PROVIDED, That (i) common or contract carrier dump truckers may enter into an arrangement involving rental or leasing of trucks to highway construction contractors who are required by state or federal law to submit certified payrolls((,:)); (ii) such rental or lease arrangements must be filed with and approved by the commission; (iii) the total payments for and to the trucker under such rental or lease arrangements must be the equivalent of the charges which trucker would earn under applicable common carrier tariff rates; (iv) the contractor may not assess any charges against the carrier for accounting or bookkeeping expenses or make any deductions from rate charges earned which the common or contract carrier dump trucker is not legally liable to pay; (v) the common or contract carrier dump trucker must have the required permit authority for the territory and the commodities involved.

WSR 82-14-086
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed July 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Beer, malt beverages, malt liquor—Alcoholic content—Labeling required—Tolerances, WAC 314-20-025;

that such agency will at 9:30 a.m., Wednesday, August 11, 1982, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 66.08.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 11, 1982, and/or orally at 9:30 a.m., Wednesday, August 11, 1982, Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504.

Dated: July 7, 1982
By: Robert D. Hannah
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-20-025 Beer, Malt Beverages, Malt Liquor—Alcoholic Content—Labeling Required—Tolerances.

Description of Purpose: To require that all beer sold to consumers within Washington which contains over four percent alcohol by weight shall bear a label clearly reflecting the alcohol content (within specific tolerances). Also states the statutory limitations on alcohol content for beer.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.04.010 and 66.28.120.

Summary of Principal Provisions: The principal provisions of the rule are as follows: Sets forth the statutory limitations on alcohol content for beer, malt beverages, and malt liquor. Specifically, the alcohol content shall not exceed eight percent by weight, nor shall it be less than one-half of one percent alcohol by volume. Provides that all beer, malt beverage, or malt liquor containing in excess of four percent of alcohol by weight shall bear a label showing in conspicuous type the alcohol content by weight. The label claim must be within one-half of one percent, plus or minus, of the actual alcohol content.

Reasons for Principal Provisions: Recently enacted legislation (SHB 571) provided for sales by retail licensees of beer (including by definition malt beverages and malt liquor) containing over four percent but not to exceed eight percent alcohol by weight. Prior to this legislation, beer containing over four percent alcohol could

only be sold by the Liquor Control Board. The consumers of Washington were generally aware of the fact that since 1934 any beer purchased from retail licensees had a lower alcohol content than that purchased from Liquor Control Board outlets and never exceeded four percent. Since the effective date of the legislation, confusion has ensued and concerns have been raised relating to consumers not being adequately informed on the relative strength (i.e., alcohol content) of the beers now being purchased. Numerous public and private agencies dealing with alcohol and alcohol related problems have expressed the opinion that steps should be taken to ensure that consumers can readily determine the alcohol content of the products purchased. Individual consumers and retail licensees have also stated they have concerns and questions relating to the alcohol content of beer and have been generally supportive of requiring more precise labeling of the higher alcohol content products.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jim Halstrom, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, Washington 98504, Telephone (206) 753-6273.

Persons or Organization Proposing Rule: The rule was proposed by the Liquor Control Board.

Agency Comments: The board feels that, if adopted, this rule will adequately provide for informing the consumers, when they are purchasing beer containing over four percent alcohol by weight, of the specific alcohol content (within limited tolerances) for the beer purchased. This will assist the consumer in evaluating the product. It will also help to ensure that consumers do not unknowingly consume more alcohol than they wish to, or are accustomed to, as a result of having purchased a product with a higher alcohol content than they have typically purchased in the past. (Consumers will be able to avoid purchasing the higher strength beers when they wish to do so.) It should be noted that the specific language of this rule will not place additional labeling requirements on beers containing four percent alcohol or less. These are the products which have previously been available through licensed retail outlets and accounted for over 99.5 percent of all beer sales.

Necessity of Rule: None of the above rules were made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for small businesses is estimated to be between zero to minimal depending on whether the beer producer currently produces labels with alcoholic content on them for sale in states which already have such a requirement. Cost impact for larger businesses is estimated to be between zero to minimal depending on whether the beer producer currently produces labels with alcoholic content on them for sale in states which already have such a requirement.

Discussion: Those beer, malt beverage, and malt liquor producers that produce for shipment to states, such as Oregon, where alcoholic content labeling is already required would have no additional cost in complying

with the board's proposed rule. It was taken into account that beer, malt beverage, and malt liquor over 4 percent alcohol by weight (which is the only beverage effected by the board's rule) constitutes an extremely small portion of a brewery's production. Sales of beer over 4 percent alcohol by weight were less than 1 percent of the total beer, malt beverage and malt liquor sales in Washington during fiscal 1981.

NEW SECTION

WAC 314-20-025 BEER, MALT BEVERAGES, MALT LIQUOR—ALCOHOLIC CONTENT—LABELING REQUIRED—TOLERANCES. (1) No beer, malt beverages, or malt liquor shall contain more than eight percent (8%) alcohol by weight, nor shall it contain less than one-half of one percent (.5%) alcohol by volume.

(2) All beer, malt beverage, or malt liquor containing in excess of four percent (4%) of alcohol by weight shall bear a label showing in conspicuous type the alcoholic content by weight. The actual alcoholic content of beer, malt beverage, or malt liquor shall be within one-half of one percent (.5%), plus or minus, of the label claim; PROVIDED, That it shall not exceed eight percent (8%) alcohol by weight.

**WSR 82-14-087
PROPOSED RULES
DEPARTMENT OF ECOLOGY**
[Filed July 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Instream resources protection program—Main stem Columbia River in Washington state, amending chapter 173-563 WAC;

that such agency will at 7:00 p.m., Tuesday, August 17, 1982, in the Federal Building Auditorium, 825 Jadwin Avenue, Richland, WA, also at 7:00 p.m., Wednesday, August 18, 1982, Cascade Natural Gas Company Auditorium, 614 North Mission, Wenatchee, WA, and at 7:00 p.m., Tuesday, August 24, 1982, Department of Ecology, Rowesix Hearings Room, 4224 Sixth Avenue S.E., Building 4, Lacey, WA, conduct hearings relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, October 6, 1982, in the Department of Ecology, Rowesix Hearings Room, 4224 Sixth Avenue S.E., Building 4, Lacey, WA.

The authority under which these rules are proposed is RCW 90.54.040 and 90.54.050 and chapters 90.03 and 90.22 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1982, and/or orally at the hearings above.

Dated: July 6, 1982
By: Donald W. Moos
Director

STATEMENT OF PURPOSE

Title: Amending Instream Resources Protection Program—Main Stem Columbia River in Washington State, chapter 173-563 WAC.

Description of Purpose: To provide the Department of Ecology the basic state policy relating to minimum flows and levels for the Columbia River for submission to various federal, interstate and state agencies having jurisdiction over the river.

Statutory Authority: Chapters 90.54, 90.22 and 90.03 RCW.

Summary of Rule: Establishes minimum instream flows for the main stem Columbia River in Washington state.

Reasons Supporting Proposed Action: Need to amend the regulation to make it more readily enforceable and to better define the frequency with which out-of-stream divertors can expect to have their water use curtailed. Average daily flows are being changed to average weekly flows, implementation procedures are being improved.

Agency Personnel Responsible for Drafting: Jim Bucknell, Mailstop PV-11, 459-6115; **Implementation and Enforcement:** Glen Fiedler, Mailstop PV-11, 459-6055.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: N/A.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: N/A.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-020 APPLICABILITY. (1) This chapter applies to public surface waters of the main stem Columbia River in Washington state and to any ground water the withdrawal of which is determined by the department of ecology to have a significant and direct impact on the surface waters of the main stem Columbia River.

The extent of the "main stem" Columbia River shall be the Columbia River from the upstream extent of tidal influence (Bonneville Dam—River Mile 146.1) upstream to the U.S.—Canada border (River Mile 745) and including those areas inundated by impounded waters at full pool elevations.

(2) Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program mandated by RCW 90.54.040, applies to this chapter.

(3) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, including existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir, or related facilities. This exemption includes rights embodied in all water right permits and certificates existing on the effective date of this chapter.

(4) Water right permits and certificates for domestic/municipal water supplies issued subsequent to the effective date of this rule shall not be subject to the provisions of this chapter.

(5) ((The average daily flow is the average of the flows measured in cubic feet per second that occur over a twenty-four hour period)) Waters withdrawn by the United States pursuant to RCW 90.40.030 prior to the effective date of this rule relating to the second half of the Columbia Basin Project, and water right permits and certificates hereafter issued by the department of ecology pertaining to such withdrawn waters, are not subject to the provisions of this chapter.

(6) For the purposes of this chapter, average weekly flows shall be the average of the daily average flows reported in the Columbia River Operational Hydromet and Management System (CROHMS) for a seven-day period beginning at 12:01 a.m. Monday and ending at midnight on Sunday.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-040 ESTABLISHMENT OF INSTREAM FLOWS FOR INSTREAM USES. (1) In order to protect the quality of the natural environment and provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values, minimum instantaneous flows and minimum average ((daily)) weekly flows are established for instream uses at the following project locations on the main stem Columbia River in Washington state:

CONTROL STATION RIVER MILE MANAGEMENT UNIT

The Dalles Dam	191.5	John Day Dam to Bonneville Dam (Lake Bonneville and Celilo Lake) (River Mile 146.1–215.6)	
John Day Dam	215.6	John Day Dam to McNary Dam (Umatilla Lake) (River Mile 215.6–292.0)	
McNary Dam	292.0	McNary Dam to Priest Rapids Dam (Lake Wallula and the Hanford Reach) (River Mile 292.0–397.1)	
Priest Rapids Dam and upstream (Wanapum, Rock Island, Rocky Reach, Wells, Chief Joseph, and Ground Coulee Dam)	397.1+	Priest Rapids Dam upstream to Canadian Border (River Mile 397.1–745.0)	

(2) Minimum instantaneous flows at the locations listed in WAC 173-563-040(1) are established for instream uses as follows:

MINIMUM INSTANTANEOUS FLOWS – COLUMBIA RIVER PROJECTS
(1,000 cubic feet/second)

((Grand Coulee))	Chief* Joseph	Wells & Rocky Reach	Rock Island & Wanapum*	Priest Rapids	McNary & John Day	The Dalles
Jan	10	10	50	20	20	
Feb	10	10	50	20	20	
Mar	10	10	50	50	50	
Apr 1-15	20	20	50	50	70	
16-25	20	30	50	70	70	
26-30	20	50	50	70	70	
May	20	50	50	70	70	
June 1-15	20	50	50	70	70	
16-30	10	20	50	50	50	
Jul 1-15	10	20	50	50	50	
16-31	10	50	50	50	50	
Aug	10	50	50	50	50	
Sep	10	20	36	50	50	
Oct 1-15	10	20	36	50	50	
16-31	10	20	50	50	50	
Nov	10	10	50	50	50	
Dec	10	10	50	20	20	

*As provided in WAC 173-563-050(1), the minimum instantaneous flows set forth in this subsection are subject to a reduction of up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs. For the reach from Ground Coulee through Wanapum, minimum instantaneous flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher.

(3) Minimum average ((daily)) weekly flows for instream uses are established at the locations listed in WAC 173-563-040(1) as follows:

MINIMUM AVERAGE ((DAILY)) WEEKLY FLOWS – COLUMBIA RIVER PROJECTS
(1,000 cubic feet/second)

((Grand Coulee))	Chief Joseph*	Wells & Rocky Reach*	Rock Island & Wanapum*	Priest Rapids	McNary	John Day	The Dalles
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
16-25	60	60	70	150	150	150	160
26-30	90	100	110	200	200	200	200
May	100	115	130	220	220	220	220
Jun 1-15	80	110	110	200	200	200	200
16-30	60	80	80	120	120	120	120
Jul 1-15	60	80	80	120	120	120	120
16-31	90	100	110	140	140	140	140
Aug	85	90	95	120	120	120	120
Sep	40	40	40	60	85	90	90
Oct 1-15	30	35	40	60	85	90	90
16-31	30	35	40	70	85	90	90
Nov	30	30	30	60	60	60	60
Dec	30	30	30	60	60	60	60

*For the reach from Grand Coulee through Wanapum, minimum average ((daily)) weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-050(1), the minimum average ((daily)) weekly flows set forth in this subsection are subject to a reduction of up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-050 CRITICAL FLOW ADJUSTMENT TO, AND WAIVERS OF, MINIMUM INSTANTANEOUS AND AVERAGE ((DAILY)) WEEKLY FLOWS. (1) The director of the department of ecology, when he deems it to be an overriding public interest requirement, may reduce the minimum instantaneous and/or average ((daily)) weekly flows for the Columbia River established in ((WAC 173-563-040)) this chapter up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids be less than 36,000 cfs. The amount of the reduction (from zero to twenty-five percent) shall be: (a) based on the March 1 forecast for April through September runoff at The Dalles, Oregon, as published by the National Weather Service in Water Supply Outlook for the Western United States, and (b) determined from Figure 1 in WAC 173-563-900.

(2) Prior to implementing the critical flow adjustment to minimum flows in a low water year, the department of ecology shall conduct a public hearing to announce its intentions and to solicit public and agency comment on the proposed action.

(3) The department has determined that some damage to instream values may be incurred at flow values equivalent to eighty-eight million acre-feet or less. Therefore, the reduced flows shall be referred to as critical flows and shall be authorized by the director of the department of ecology under the critical flow adjustment only when the March 1 forecast of April through September flow at The Dalles is below eighty-eight million acre-feet (MAF). The critical flows shall, in no case, provide less than 39.4 MAF (seventy-five percent of 52.5 MAF for the April through September period).

(4) The director of the department of ecology may waive the state's minimum flow requirements delineated in ((WAC 173-563-040)) this chapter for a defined period of time for the purpose of studying the impacts of various flow levels on the river system and its operation when such studies are to be conducted in consultation with the Washington departments of fisheries and/or game and when said exemption is requested by the departments of fisheries and/or game. Such a request shall be made by letter to the director of the department of ecology. This waiver may include the Federal Energy Regulatory Commission studies to be conducted under Docket No. E-9569 and any operational change which does not allow the flows under ((WAC 173-563-040 and WAC 173-563-050))) this chapter to be

met, but which, in the opinion of the director, still provides a commensurate level of protection for instream resources.

NEW SECTION

WAC 173-563-052 ESTABLISHMENT OF INSTREAM FLOWS FOR OUT-OF-STREAM USES. In order to protect the quality of the natural environment and provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values, the minimum average weekly flows listed in WAC 173-563-040(3) are established for out-of-stream uses.

NEW SECTION

WAC 173-563-056 APPLICATION OF MINIMUM AVERAGE WEEKLY FLOWS TO OUT-OF-STREAM USES. (1) For the first 8,000 cfs of water rights issued subject to this program, the following conditions shall apply:

(a) When the March 1 forecast of April-September runoff at The Dalles, Oregon (as published by the National Weather Service in Water Supply Outlook for the Western United States) is equal to or greater than 88 million acre-feet (MAF), no regulation of out-of-stream diverters shall occur, regardless of the gaged flow of the Columbia River.

(b) When the flow forecast is less than 88 MAF but greater than 60 MAF, the department shall encourage voluntary water conservation through appropriate notification of water users in an attempt to foster efficient resource use.

(c) When the flow forecast is 60 MAF or less, the department shall regulate out-of-stream diverters on the basis of first-in-time is first-in-right whenever it is predicted that gaged flows will fall below the minimum average weekly flows as established by this chapter.

(2) For any water allocations issued in excess of the first 8,000 cfs defined in WAC 173-563-056(1), the following conditions shall apply:

(a) When the March 1 forecast of April-September runoff at The Dalles, Oregon (as published by the National Weather Service in Water Supply Outlook for the Western United States) is equal to or greater than 88 million acre-feet (MAF), no regulation of out-of-stream diverters shall occur, regardless of the gaged flow of the Columbia River.

(b) When the flow forecast is less than 88 MAF, the department shall regulate out-of-stream diverters on the basis of first-in-time is first-in-right whenever it is predicted that gaged flows will fall below the CRIRPP minimum average weekly flows as established by this chapter.

(3) The department shall utilize the Bonneville Power Administration (BPA) 30-day Power Operation Plan in predicting specific periods of anticipated flow conditions.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-060 ESTABLISHMENT OF CONSERVATION AND EFFICIENCY FUNDAMENTALS. (1) The department, having determined that public water is available from the main stem of the Columbia River in Washington and that continued issuance of water right permits and certificates therefrom is in the public interest, ((does acknowledge and)) is concerned that((, cumulatively, the projected future diversions)) the highest practicable efficiency be achieved in the diversion and use of water from the main stem Columbia River in Washington state ((may, under certain flow conditions, have a detrimental effect on instream values)).

(2) Also, it is in the public interest that the state's water resources be conserved and that the burden of water shortages in low water years should be shared by the various users to the greatest extent practicable.

(3) Notwithstanding the constraints on prorata water-sharing under existing state water laws, the department shall, in projected low water years, utilize all reasonable measures of influence to achieve the goal of ((WAC 173-563-060(2))) this section.

(4) During proof of appropriation of water under RCW 90.03.330 and before issuing a certificate of water right, the department shall assure that the quantities of water shown on the certificate accurately reflect the perfected usage consistent with up-to-date water conservation practices and water delivery system efficiencies.

(5) The department shall continue to seek effective methods to better achieve the goal of ((WAC 173-563-060(2))) this section.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-080 OVERRIDING CONSIDERATIONS. Future authorizations for the use of water which would conflict with the provisions of this chapter shall be authorized by the director only in those situations when it is clear that overriding considerations of the public interest will be served. Such decisions shall be made in consultation with the directors of the Washington state department of fisheries ((and)), the Washington state department of game and the Washington state department of agriculture.

Consideration of the public interest by the director of the department of ecology shall include an evaluation of all uses of the river and its impact on the state of Washington. The uses to be considered include, but are not limited to, uses of water for domestic, stockwatering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, and preservation of environmental and aesthetic values and all other uses compatible with the enjoyment of the public waters of the state.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-100 IMPLEMENTATION. (1) All water right permits and certificates subject to this chapter shall be issued subject to the department's minimum flow requirements. (The minimum average ((dairy)) weekly flows established in WAC 173-563-040(((+))) and ((2))) 173-563-052 are equivalent to a flow of 52.5 MAF at The Dalles for the April through September period.)

(2) All water rights for instream uses subject to ((this flow (or its modification as established in WAC 173-563-050 during low water years):

(a) shall be regulated on the basis of first-in-time is first-in-right; and;

(b) shall contain the following two provisions)) the minimum flows established in this chapter shall contain the following provision:

This permit/certificate is subject to the minimum flow provisions contained in ((WAC 173-563-040 and WAC 173-563-050)) chapter 173-563 WAC and is subject to regulation by the department of ecology to insure protection of instream resources.

((Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.)) (3) All water rights for out-of-stream uses subject to the flows established in this chapter shall contain the following provisions:

(a) This permit/certificate is subject to the minimum flow provisions contained in chapter 173-563 WAC and is subject to regulation by the department of ecology to insure protection of instream resources.

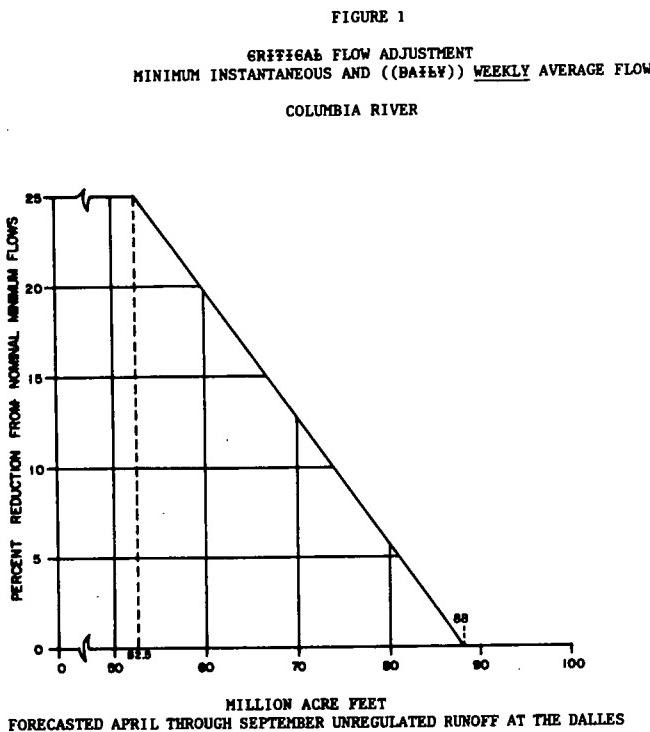
((b) Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

NEW SECTION

WAC 173-563-140 RECIPROCITY WITH THE STATE OF OREGON. The application of the provisions of this chapter to the Oregon-Washington boundary reach of the Columbia River (river mile 146.1 to river mile 309.3) is stayed, beginning on the effective date of this section, until instream protection requirements for said reach, consistent with those sections, are put into effect by the state of Oregon. The stay provided herein shall be set aside only by further rule making by the department of ecology.

AMENDATORY SECTION (Amending Order 80-2, filed 6/24/80)

**WAC 173-563-900 CRITICAL FLOW ADJUSTMENT—
MINIMUM INSTANTANEOUS AND ((DAILY)) WEEKLY AVERAGE FLOWS—COLUMBIA RIVER((T)):**



**WSR 82-14-088
PROPOSED RULES
DEPARTMENT OF ECOLOGY**
[Filed July 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Skagit County, amending WAC 173-19-370.

The formal adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, August 19, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 82-10-076 filed with the code reviser's office on May 5, 1982.

Dated: July 1, 1982
By: John F. Spencer
Deputy Director

WSR 82-14-089**ADOPTED RULES****DEPARTMENT OF ECOLOGY**
[Order DE 82-24—Filed July 7, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to La Conner, Town of, amending WAC 173-19-3704.

This action is taken pursuant to Notice No. WSR 82-10-076 filed with the code reviser on May 5, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 1, 1982.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-3704 LA ((CONNOR)) CONNER,
TOWN OF.** Town of La Conner master program approved May 3, 1977. Revision approved July 1, 1982.

**WSR 82-14-090
ADOPTED RULES
DEPARTMENT OF FISHERIES**
[Order 82-75—Filed July 7, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

This action is taken pursuant to Notice No. WSR 82-12-016 filed with the code reviser on May 24, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 7, 1982.

By Rolland A. Schmitt
Director

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-315 KLICKITAT RIVER. (1) Bag limit A – April 1 through January 31: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth EXCEPT open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

(2) Bag limit C – Saturday preceding Memorial Day through November 30((††)) – Downstream from the Lydel Bridge to a point 400 feet above the No. 5 fishway.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-525 WYNOOCHEE RIVER. (1) Bag limit A – July ((††)) 1 through September 30: Downstream from the mouth of Schafer Creek. Chinook salmon over 24 inches in length and all chum salmon must be released.

(2) Bag limit C – October 1 through January 31: Downstream from the mouth of Shafer Creek.

**WSR 82-14-091
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 82-76—Filed July 7, 1982]

I, Rolland Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland A. Schmitten, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency in this regulation is needed to close the southern troll fishery as the quota will have been met by the effective time and date.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 7, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-24-02000N LAWFUL ACTS – TROLL FISHERY Notwithstanding the provisions of WAC 220-24-020, effective 11:59 p.m., July 7, 1982, it is unlawful to take or fish for salmon for commercial purposes, from those waters of the Pacific Ocean south of a line projected true west from the north end of Leadbetter Point and west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River and effective 12:00 noon July 8, 1982, it is unlawful to land salmon for commercial purposes, taken from the waters of the Pacific Ocean.

**WSR 82-14-092
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)**
[Filed July 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning vehicle size and weight regulations;

that such agency will at 10:15 a.m., Wednesday, August 18, 1982, in the Highway Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:15 a.m., Wednesday, August 18, 1982, in the Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.44.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 18, 1982, and/or orally at 10:15 a.m., Wednesday, August 18, 1982, Highway Administration Building, Olympia, Washington 98504.

Dated: July 7, 1982
By: Lue Clarkson
Administrator

STATEMENT OF PURPOSE

Title: Amendment to chapter 468-38 WAC.

Summary of Rule: To update the regulations on vehicle size and weight.

Statement of Reasons: To bring regulations into conformity with existing law and revise regulations where necessary.

For Further Information: Mr. Don Ernst, State Maintenance Engineer, Room 1C8, Highway Administration Building, Phone 753-6014, Olympia, Washington, is responsible for the drafting and implementation of the rule.

Proponent of the Rule: Washington State Department of Transportation.

Opponent of the Rule: Unknown.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-010 THREE VEHICLE COMBINATIONS. (1) A three-vehicle combination shall consist of ((Truck-tractor, semi-trailer and full trailer)) (a) a truck-tractor, semi-trailer and full trailer, or (b) a truck-tractor and two semi-trailers.

(2) The total length of the combination shall not exceed ((60 feet over-all, except that a total length of not to exceed)) 65 feet ((may be permitted upon highway sections specifically designated therefor by the department of transportation)).

(3) Brakes shall be of the progressive type controlled by the foot brake and so designed that the braking ((effort)) effect shall start with the last axle in the combination and progress forward to the power unit.

((4) Maximum speed shall not exceed posted limits for trucks and combinations:

((5) When snow or ice conditions on the surface of the highway are such that the unit may be stalled due to lack of traction or being unable to stop without jackknifing or in any other way create hazardous conditions which would endanger the unit or other vehicles using the highways, the operator, in addition to any other posted regulations, shall immediately institute either of the following two procedures: (a) Drop the last unit in the combination or (b) place tire chains on the drive axle of the tractor and on the last axle of the second trailer".

(6) Maximum gross weight of the combination shall not exceed 72,000 lbs. gross, except a maximum of 76,000 lbs. gross may be carried on the combination when a special restricted route permit is issued, but the additional weight will only be allowed on highways authorized to carry the additional weight and under the terms and conditions applying to restricted route permits. No single unit in the combination shall exceed its licensed capacity or legal limit and no axle in the combination shall exceed the limitations provided by law.))

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-020 ADDITIONAL TONNAGE PERMITS. A permit to carry weight in addition to that authorized by the licensed gross weight may be issued under some conditions:

(1) ((Maximum gross weight not to exceed pounds gross vehicle weight.)) A single-unit truck or a truck combination must be licensed to 40,000 pounds or to 80,000 pounds respectively in order to qualify for an additional tonnage permit.

(2) The wheelbase of any group((s)) of axles must meet ((Washington gross weight table)) the requirements of the legal weight table in RCW 46.44.041. No single axle shall exceed 20,000 pounds; no pair of tandem axles shall exceed 34,000 pounds.

(3) ((Maximum gross weight on dual axles not to exceed 32,000 pounds.)) The weight limits of 550 pounds per inch width of tire up to 12 inches and 660 pounds per inch width of 12 inches or more must be met.

(4) ((Maximum gross weight for each tire not to exceed 500 pounds per inch width of such tire, except when winter or other restrictions are in force.

((5) Maximum speed shall not exceed posted limits for trucks.

(6) This permit valid on state highways when regular or emergency winter road restrictions are in force only for maximum weights posted for such highways.

(7) This permit does not authorize operation over any road or structure in excess of posted limits thereof.

(8) This permit only valid on Washington state highways.

(9) Upon application to the department of transportation for a permit authorizing use of a boost-a-load or similar device, the applicant is required to produce written evidence from respective county and/or city authorities indicating their approval to travel over county roads and city streets.)) The restrictions on highway loads required by emergency conditions pursuant to WAC 468-38-080 shall apply even though an operator has an additional tonnage permit.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-030 ISSUANCE OF ADDITIONAL TONNAGE PERMITS. (1) All permits for annual additional tonnage are to be issued at the headquarters office of the department of transportation, Olympia, Washington. Permits for quarterly, monthly, or temporary

additional tonnage may be issued in the department's permit offices or by agents of the department located throughout the state.

(2) ((Permits will not be issued unless remittance is received with application.)) The department shall periodically publish a map showing which highways may be traversed by vehicles using additional tonnage permits. These routes are subject to change or cancellation by the department if deterioration occurs.

(3) ((Axle loading shall not exceed 32,000 pounds gross on duals; 18,000 pounds on singles).

(4) Maximum speed shall not exceed posted limits for trucks and combinations.

(5) Permit will not be valid on state highways when regular winter road restrictions are in force unless vehicles are equipped with 10-00 or larger tires on all wheels.

(6) Permit will not be valid on state highways when emergency winter road restrictions are in force, regardless of tire sizes.

(7) Permitted routes are subject to change or cancellation upon notification by the state department of transportation.

(8) Permits are not valid for widths, heights, or lengths in excess of legal limits.

(9)) Permits will be issued only to the following types of vehicles: Three or more axle full trucks; three or more axle truck-tractors; three or more axle dromedary truck-tractors; three axle full trailers. Three axle full trailers will require a permit only when towed by a two axle full truck, or if the towing vehicle is not covered by an additional tonnage permit.

((10) Three or more axle trucks and three or more axle truck-tractors or three or more axle dromedary truck-tractors may be issued a permit in excess of the legal gross weight limit, provided the axle loads or tire limits are not in excess of provisions of law.

((11) Three or more axle trucks, when operating in combination with three axle full trailers, must have a valid additional tonnage permit issued for the maximum gross weight allowed under permit. The total gross weight of the combination shall not exceed 76,000 pounds gross. The weight may be distributed on either the truck or trailer, but neither vehicle shall exceed the maximum axle or tire limits prescribed by law. No permit will be required for the three axle full trailer when operated in combination with a full three or more axle truck. Three or more axle truck-tractors or dromedary truck-tractors operated in combination with two axle semi-trailers shall not exceed a combined gross weight of 73,280 pounds. The overall wheelbase of any combination of vehicles shall be equal to or in excess of the minimum wheelbase required for 68,000 pounds or 72,000 pounds, as provided by the legal gross weight table in RCW 46.44.044.

((12) An additional tonnage permit, valid only for use with three vehicle combinations, may be issued allowing an additional 4,000 pounds gross or total of 76,000 pounds gross on the combination when operating on routes approved by the department of transportation. This permit shall be subject to the fees provided by law and subject to the rules and regulations adopted by the state transportation commission.

((13) Three axle full trailers, when towed by a two axle truck, must have a valid additional tonnage permit issued to the trailer involved; and all permitted weight must be carried on the trailer.

((14)) (4) Permits will not be issued to semi-trailers.

((15)) (5) The fees for additional tonnage permits shall be prorated under the following conditions and by the following method:

(a) Additional tonnage permits will be prorated only to firms or individuals listed by the ((director)) department of licensing to be fleet operators and only when the name is indicated on the listing furnished by the ((director)) department of licensing.

(b) All power units in a fleet ((which are eligible for additional tonnage permits and which)) that have been reported to the department of licensing ((under supplement "B" of Interstate Vehicle Proration application shall be considered as the number of power units on which additional tonnage fees will be prorated)) as proportionally registered are eligible for proration.

(c) ((The total number of units determined under subparagraph (b) of this subsection shall then be multiplied by the current fee for additional tonnage permits in effect at the time of application.)) The total cost of additional tonnage requested by the applicant for all units within the fleet shall be computed as if those fees were not subject to prorate.

(d) The percentage of mileage operated in Washington, which ((shall be)) is the ((same)) percentage as reported for vehicle license proration, shall be ((used to determine the amount of fees to be paid to the department of transportation for the issuance of additional tonnage permits to all eligible units reported under))) multiplied by the amount

in subparagraph ((b)) (c) of this subsection((This) to determine the amount ((is arrived at by taking the total under subparagraph (c) of this subsection and multiplying by the percent of mileage operated in Washington)) to be paid to the department of transportation: PROVIDED, HOWEVER, That the minimum fee assessed for any permit shall not be less than five dollars.

(e) Additions to fleets may be issued additional tonnage permits and payment shall be determined by using the same method as ((in subparagraphs (a), (b), (c), and (d) of this subsection)) described above: PROVIDED, HOWEVER, That no additional tonnage permits will be issued until the vehicle or vehicles involved have been duly registered with the department of licensing as additions to the fleet ((involved)).

(6) Quarterly or monthly additional tonnage permits may be purchased only when the applicant has purchased licensed tonnage on a quarterly or monthly basis.

(7) Temporary additional tonnage permits may be purchased when the applicant has licensed tonnage in effect for the period for which he is applying.

(8) Additional tonnage purchased on a quarterly or monthly basis may be prorated if the prorate percentage for Washington state is at least sixty percent. Temporary additional tonnage may not be prorated.

(9) If a permit to increase weight by means of a boost-a-load or similar device is requested, the applicant must produce written evidence from respective county and/or city authorities indicating approval to travel over county roads or city streets.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-040 SPECIAL LOG TOLERANCE TRANSPORTATION PERMITS. (1) ((The permit shall be termed "special log tolerance transportation permit."

((2) The permit)) Special log tolerance transportation permits shall be issued only at the headquarters office of the department of transportation located in Olympia, Washington.

((3) Payment of the fee shall be paid by cash, certified check, post-at-money order, bank draft, or Western Union money order, payable to department of transportation.

((4) Application will be accepted only on special forms provided by the department of transportation and applicant shall furnish all requested information.

((5) Permit may)) (2) A permit will be denied if the vehicle(s for which a permit is requested cannot) does not meet the ((legal)) axle distance requirements ((provided by law)) of RCW 46.44.047, i.e., the distance between the front axle and the last axle of the combination shall be at least 37 feet.

((6)) (3) Maximum gross weight of the combination shall not exceed 68,000 lbs. by more than 6800 lbs. gross.

((7)) (4) Maximum gross weight on ((dual)) tandem axles shall not exceed ((32,000 lbs. by more than 1600)) 33,600 lbs. on each set of ((dual)) tandem axles.

((8)) Maximum speed shall not exceed posted limits for trucks.

(9) Not valid on state highways placed under regular winter road restrictions unless vehicles are equipped with 11:00 or larger tires on all wheels.

(10) Not valid on state highways placed under emergency winter road restrictions regardless of tire sizes used on vehicles.

(11) Authorized state highway routes for this permit subject to change or cancellation upon notification by the state department of transportation.

(12) Not transferable to another vehicle.

(13) This permit does not authorize any width, height or length in excess of the legal limitations.

(14) Permit shall not be valid until permit is signed by permittee who agrees to follow conditions and requirements set forth.

(15) Bridges and structures will be the paramount controlling factor when granting permits. Permit may be issued only after the application is cleared by the bridge engineer and approved by the secretary of transportation or his designee.

(16) Permits will not be issued until a proper investigation has been made by the department of transportation relative to the ability of the requested section of state highway to accommodate the increased loading. Each route or section shall be considered separately.

((17)) (5) Operators having special log tolerance transportation permits are subject to all posted road restrictions.

(6) Special log tolerance transportation permits may be transferred to the purchaser of a log truck or to another vehicle owned by the permittee. A fee of five dollars will be charged.

(7) Any approved route, previously granted, shall be subject to immediate cancellation if upon determination of the department of transportation the section of state highway involved is showing abnormal failure or overstress. ((The maintenance division, upon notification by the department of transportation, shall immediately notify the permittee that the permit is canceled covering the section or sections for which said permit was granted. The permittee shall have the privilege of review before the secretary of transportation or his designee in the event that the permit cancellation by the department of transportation is questioned.))

(8) The department shall periodically publish a map showing which highways may be traversed by vehicles using special log tolerance transportation permits. The department shall be guided in its determination by the ability of each section of highway to accommodate the increased loading.

((18))) (9) When county roads or city streets are used to reach state highways, ((the)) a permit for ((such)) the use of such county roads or city streets is to be ((issued by)) obtained from the proper county or city authorities((, and the permission to use the state highways is to be issued by the proper state authority)).

(10) The fee for special log tolerance transportation permits may not be prorated.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-050 ((LOAD LIMITATIONS ON STATE HIGHWAYS WITHIN MOUNT RAINIER NATIONAL PARK)) SPECIAL PERMITS FOR MOVEMENT OF OVERLEGAL SIZE OR WEIGHT LOADS. ((The maximum gross weights of vehicles on portions of primary state highway No. 5 within the boundaries of Mount Rainier National Park from the northerly boundary of said park to the easterly boundary thereof at Chinook Pass and from Cayuse Pass to the southerly boundary of said park near Ohanapecosh Junction be and the same are hereby imposed and fixed as follows: (1) Closed to all vehicles having a gross weight in excess of 5,000 pounds, except when such use is in connection with the operation of the park or with the operations of park concessioners holding contracts from the secretary of the interior.

(2) Closed to all trailers having a gross weight in excess of 5,000 pounds, except when such use is in connection with the operation of the park or authorized park concessioners:

Exceptions:

(a) Buses having a gross weight in excess of 5,000 pounds may make regular or special runs on the above described roads, provided authority is obtained from the park superintendent or his representative.

(b) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed on the above named roads if they are hauling pack or saddle stock or recreational supplies or equipment for use within Mount Rainier National Park.

(c) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed on United States highway No. 410 between the north park boundary and the White River (Yakima Park) wye if they are hauling materials to or from a mine situated within Mount Rainier National Park.

(d) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed on the above named roads when the purpose of the trip is to carry stock used or grazed in the immediate vicinity of the park in areas served by said roads, provided that permission is obtained from the park superintendent or his representative.

There shall be posted at either end of said portion of primary state highway No. 5, where the load restrictions are in effect, signs of sufficient size to be easily read, setting forth the maximum loads allowed and stating that this regulation is made by order of the department of transportation pursuant to law.)) The department of transportation may issue permits for movement of overlegal size or weight loads when:

(1) Application has been made to the department and the applicant has shown that there is good cause for the move, and that the applicant is capable of making the move.

(2) The applicant has shown that the load cannot reasonably be dismantled or disassembled.

(3) The vehicle, combination, or load has been dismantled and made to conform to legal limitations where practical. Reductions shall be made even though the use of additional vehicles becomes necessary.

(4) The vehicle(s) and load have been thoroughly described and identified; the points of origin and destination and the route of travel have been stated and approved.

(5) The proposed move has been determined to be consistent with public safety.

(6) The permittee affirms that:

(a) The vehicles have been properly licensed to make the proposed move or carry the load described in accordance with the provisions of Washington law;

(b) The drivers are properly licensed to operate in Washington in the manner proposed.

(7) The permittee will comply with all applicable rules pertaining to the issuance of any special permit.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-060 ((LOAD LIMITATIONS ON CERTAIN STATE HIGHWAYS ADJACENT TO MOUNT RAINIER NATIONAL PARK)) LIABILITY OF PERMITTEE. ((The following vehicle load limitations shall apply on the section of primary state highway 5 from the easterly boundary of Mount Rainier National Park easterly to the American River resort:

((1) Closed to all vehicles having a gross weight in excess of 5,000 pounds, except when such use is in connection with the operation of said park or with the operations of park concessioners holding contracts from the secretary of the interior:

((2) Closed to all trailers having a gross weight in excess of 5,000 pounds, except when such use is in connection with the operation of said park or authorized park concessioners:

Exceptions:

((a) Buses having a gross weight in excess of 5,000 pounds may make regular or special runs, provided authority is obtained first from the park superintendent or his representative, for operation within the park and from the department of transportation for operation on the highways described above:

((b) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed on the above named roads if they are hauling pack or saddle stock or recreational supplies or equipment for use with Mount Rainier National Park:

((c) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed on the above named roads when the purpose of the trip is to carry stock used or grazed in the immediate vicinity of the park in areas served by said roads, provided that permission is first obtained from the park superintendent or his representative:

There shall be posted at either end of said portions of primary state highway No. 5, where the load restrictions are in effect, signs of sufficient size to be easily read, setting forth the maximum loads allowed and stating that this regulation is made by order of the department of transportation pursuant to law:

The foregoing load limitations are adopted also for the section of primary state highway 5 from the southerly boundary of Mount Rainier National Park southerly to the junction of primary state highway 5, White Pass branch.)) Permits are granted with the specific understanding that the permittee shall be responsible and liable for accidents, damage or injury to any person or property resulting from the operation of the vehicle covered by the permit upon public highways of the state. The permittee shall hold blameless and harmless and shall indemnify the state of Washington, department of transportation, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which any of them may sustain by reason of unlawful acts, conduct or operations of the permittee in connection with the operations covered by the permit.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-070 ((CARGO PROHIBITION ON REVERSIBLE LANE ROADWAYS)) MAXIMUMS FOR SPECIAL PERMITS. ((Trucks carrying flammable liquid cargoes are prohibited from using the reversible lane roadways on State Route 5, Seattle freeway, between James Street and 110th Street N.E. The term "flammable liquid" as applied to this rule shall be as defined in chapter 46.04 REW.)) (1) Overwidth: 14 feet on any two-lane highway; 20 feet on

any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple lane undivided highway.

Loads up to 16 feet wide may be permitted on two-lane highways during daylight hours if the gross weight does not exceed 80,000 pounds. (RCW 46.44.092) Such movements shall be permitted only on highways whose lanes of travel are at least 12 feet wide.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions.

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-080 ((RESERVATION OF FACILITIES FOR METRO TRANSIT BUSES AND THREE-PERSON CAR POOL)) EMERGENCY CLOSURE AND LOAD RESTRICTIONS ON STATE HIGHWAYS. (((1) The section of State Route 5 through the city of Seattle described in subparagraphs (a) and (b) herein, shall be used exclusively by rubber tired buses designated and operated by metro and three-person car pools. All other traffic is prohibited from the use of these sections which shall be posted with proper signing, pavement marking, and traffic control devices installed in conformance with applicable requirements of the Manual on Uniform Traffic Control Devices:

((a) The entire reversible roadway exit entrance on State Route 5 (Interstate 5) which serves Cherry Street and Columbia Street in Seattle. This entrance begins at the bifurcation of the lane serving the southerly reversible connection to the freeway mainline and the lane serving the Cherry-Columbia connection, reversible lane Mile Post 165.59, and extends southerly on the ramp roadway to its intersections on Fifth Avenue with both Columbia Street and Cherry Street.

((b) The most easterly lane of the reversible roadway in the south-bound direction only from the Cherry-Columbia ramp exit, reversible roadway Mile Post 165.59, northerly 1.62 miles to reversible roadway Mile Post 167.21.

((2) The channelization of designated bus and three-person car pool traffic exclusively into the defined sections of the easterly reversible lane and Cherry-Columbia ramp shall be in effect at all times. The westerly lanes of the reversible roadway from Mile Post 165.59 to Mile Post 167.21, as well as all other portions of the roadway not specifically restricted herein, shall remain open to all motor vehicle traffic.)) (1) Pursuant to RCW 46.44.080, when the department of transportation determines that, because of emergency conditions, vehicles whose gross tire loads exceed those described in subsection (2) of this section and will damage a highway or will endanger other traffic using a highway, it shall without delay close that highway temporarily to all vehicles or to a designated class of vehicles. Notices shall be posted at each end of the closed portion of highway and at all intersecting state highways.

(2) The department shall impose load restrictions as needed by posting either of the following signs. The conditions existing at the time shall determine which schedule of emergency load restrictions will be imposed.

EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES		TUBELESS OR SPECIAL WITH .5 MARKING	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.

EMERGENCY LOAD RESTRICTIONS

<u>CONVENTIONAL TIRES</u>		<u>TUBELESS OR SPECIAL WITH .5 MARKING</u>	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
12.00 & over	4500 lbs.	12-24.5 & over	4500 lbs.

SEVERE EMERGENCY LOAD RESTRICTIONS

<u>CONVENTIONAL TIRES</u>		<u>TUBELESS OR SPECIAL WITH .5 MARKING</u>	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 & over	3000 lbs.	12-22.5	3000 lbs.

(a) No allowance will be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, commonly known as a "rigid trail axle". Allowance will be made for single tires only on the front axle of any truck.

(b) The load distribution on any one axle of any vehicle shall be such that it will not load the tires on that axle in excess of the prescribed load listed above: PROVIDED, That a truck, truck tractor, passenger bus or school bus having conventional 10:00 x 20 tires or 11:00 x 22.5 tires, or larger, may carry a maximum load of 10,000 pounds on the front axle over any state highway placed under Emergency Load Restrictions.

(3) Permits may be issued by the department of transportation to allow the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents on such state highways as may be closed, subject to specific weight and speed restrictions as may be deemed necessary by the department of transportation.

(4) This rule shall not supersede or modify any rule in force establishing load limitations on state highway bridges.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-090 ((RESERVATION OF FACILITY FOR TRANSIT BUS AND CAR POOL)) LOADING RESTRICTIONS AND REQUIREMENTS. ((+) The westbound shoulder of State Route 520 from the Toll Plaza, Mile Post 4.17 to 104th Avenue N.E., Mile Post 5.82, a distance of 1.65 miles, is reserved for the exclusive use of transit bus and three or more person car pool, on weekdays only, from 6:30 a.m. to 9:30 a.m.

(2) To allow transit and three person minimum car pools exclusive southbound use of the Pike Street ramp, from Mile Post 165.97 to Mile Post 166.13, from 6:00 a.m. to 12:30 p.m.) (1) The vehicle, combination or load must be reduced or disassembled to a practical minimum. Loads created by means of welding, bolting or tying will be construed to be reducible. Reductions shall be made even though the use of additional vehicles becomes necessary.

(2) Tracked vehicles must be loaded longitudinally upon the hauling unit.

(3) Oversized hauling units in a combination over 65 feet in length, 14 feet in height, or 8 feet 6 inches in width will be authorized to be used under permit authority only when the article to be hauled cannot reasonably be dismantled or disassembled and the size of such article equals or exceeds outside dimensions of the hauling unit. Oversize hauling units in a combination over 65 feet in length, 14 feet in height, or 8 feet 6 inches in width shall not be used to haul objects which can readily be reduced or hauled within the limits of a legal vehicle or a combination of vehicles.

(4) Units more than 45 feet in length within a combination of 65 feet or less may operate by authority of a single trip permit or a thirty day permit authorized by RCW 46.44.0941.

(5) Notwithstanding the provisions of subsections (1) and (3) of this section a vehicle or load exceeding 8 feet in width may be allowed by permit provided it does not exceed 8 feet 6 inches. Safety appliances

may extend beyond the approved width by no more than 2 inches as defined in RCW 46.44.010 despite the fact that this results in a width in excess of 8 feet 6 inches.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-100 ((VEHICLE TIRE CHAINS)) ESCORT CAR REQUIREMENTS. ((Each motor vehicle tire chain shall have at least two side chains, to which are attached sufficient cross chains so that at least one cross chain is in contact with the road surface at all times, which when required, shall be placed on the tires of the rear drive wheels of motor vehicles while traversing public highways.

It shall be unlawful for any person to operate any motor vehicle upon any public highway of this state when, because of the hazardous condition existing on such highway the use thereof has been restricted by order of the department of transportation as indicated by traffic control signs marked "Chains required on all vehicles," unless such vehicle shall be properly equipped with tire chains of a type approved by the state commission on equipment:)) Escort cars are required:

(1) When vehicle, vehicles or load is over 10 feet in width, escort cars (both front and rear) are required on a two-lane highway.

(2) When vehicle, vehicles or load is over 14 feet wide, one escort car in rear of movement is required on multiple-lane highways.

(3) When vehicle, vehicles or load is over 20 feet wide, escort cars in both front and rear of movement are required when the highway is a multiple-lane, undivided highway.

(4) When overall length of load, including vehicles, exceeds 100 feet or when rear overhang of load measured from the last axle exceeds one-third of the total length, one escort car is required on two-lane highways. The permit may authorize a riding flagperson in lieu of an escort car.

(5) When overall length of load, including vehicles, exceeds 140 feet, one rear escort car is required on multiple-lane highways.

(6) When in the opinion of the department of transportation, escort cars are necessary to protect the traveling public, for any overdimension and/or overweight move either across, upon, or along a highway.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-110 ((BRIDGE TRAFFIC LIMITATIONS EFFECTIVE THROUGH AUGUST 31, 1982)) TYPE OF ESCORT CARS. ((The following bridge traffic limitations shall be effective through August 31, 1982 or until the bridge is either replaced or the deficiency removed:

BRIDGE NO.	NAME AND LOCATION	LIMITATIONS
140/102	Washougal River, 9.8 mi. E. of Washougal	One truck at a time: Narrow Bridge Truck 16 tons Truck & Semi-Tr. 18 tons Truck & Trailer 22 tons
165/20	South Prairie Creek, 2.1 mi. S. of Buckley	Narrow Bridge All trucks stop before moving onto bridge: One truck at a time: Maximum speed 10 MPH: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
407/5	Branch of Elakomin River, 5.5 mi. N. of Jct. SR 4 near Cathlamet	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
411/18	Olequa Creek, 2.0 mi. S. of Vader	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
506/104	Olequa Creek at Vader	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons

BRIDGE NO.	NAME AND LOCATION	LIMITATIONS
20/618	Methow River, 8.2 mi. W. of Winthrop	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
SR-21	Keller Ferry Landings 13.9 mi. N. Jct. SR-174	Maximum Gross load 40 tons
112/8	Sekiu River, 6.8 mi. E. of Clallam Bay	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
126/102	Pataha Creek, 6.0 mi. W. of Pomeroy	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
161/1	Little Mashed River, 1.0 mi. S. of Eatonville	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
170/6	East Low Canal, 0.3 mi. W. of Warden	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
409/3	Welcome Slough, 2.2 mi. S. of Cathlamet	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
503/26	Lewis River, 6.3 mi. N. of Amboy	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons
542/37	Gulch, 7.8 mi. E. of Glacier	Narrow Bridge One truck at a time: Truck 20 tons Truck & Semi-Tr. 34 tons Truck & Trailer 36 tons

(1) Escort cars must be furnished by the permittee. They may be a passenger car or a two-axle truck.

(2) Escort cars will be of such design as to afford the driver clear and unobstructed vision both front and rear. Escort cars will be in safe operational condition and properly licensed.

(3) Escort car operators must be experienced in the operation of escort vehicles, and no unnecessary passengers shall be permitted.

Pilot escort cars will travel at a distance of approximately 800-1,500 feet in front of and to the rear of the load. This distance shall be reduced in urban areas, at major intersections, and at structures less than 28 feet curb-to-curb width.

In hazardous conditions, the pilot car driver will act as a flagperson for traffic control and will signal by hand or by radio to the towing vehicle driver when he can proceed.

(4) The driver of the rear escort car will act as flagperson when hazardous conditions exist, either in advising the driver of the tow vehicle as to clearance in turning movements or of accumulations of overtaking traffic.

As required, the rear escort car will travel far enough behind the load to provide adequate warning for overtaking vehicles and safe space between the rear escort car and the trailing unit for passing vehicles. All escort cars shall carry a minimum of three approved emergency fuses and red flags.

Pilot car operators shall be properly licensed to operate the vehicle.

(5) When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the preceding requirements shall not be applicable.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-120 OVERTSIZE MOBILE HOME TRANSPORT REGULATIONS. (1) The purpose of this section ((of chapter 468-38

WAC)) is to supplement the provisions of chapter 468-38 WAC ((468-38-150 through 468-38-430 to provide additional controls in regulating movement of mobile homes on state highways, subject to the statutory provisions for special permits)) as they relate to the movement of mobile homes. Where conflicts with other sections of this chapter occur, the following rules apply.

(2) Definitions:

(a) "Mobile home" means all trailers of the semitrailer type with hitch ball coupler designed as structures for human habitation ((or)) which may have been subsequently adapted to other uses, which are capable of being towed upon the public ((streets and)) highways and are more than forty-five feet in length or more than eight feet in width.

(b) "Modular homes and sectional buildings" means any factory-built housing designed for ((residential occupancy by human beings)) human habitation which does not contain a permanent frame and must be mounted on a permanent foundation. Modular homes or sectional buildings with their own attached running gear which can ((qualify for tow-away methods)) be towed are considered to be mobile homes for purposes of this regulation. Modular homes or sectional buildings moved on legally registered trailers are subject to the provisions of chapter 46.44 RCW and the provisions of this chapter of the Washington Administrative Code ((governing overweight and overdimension vehicle permits)) regulating the movement of overlegal loads.

(c) Oversize permits may be issued to transporters, dealers or owners who shall assume full responsibility while operating under a permit. Operators of tow vehicles and ((escort vehicles and)) others assisting in the transport must function as agents or employees of the permittee.

(d) A "unit" is a complete or irreducible part of an oversize mobile home, together with its tow vehicle.

(3) Oversize limits: The following regulations ((are based upon the authority of the department of transportation to issue special permits as cited in chapter 46.44 RCW and)) apply to mobile homes of semi-trailer design whose width exceeds eight feet but does not exceed fourteen feet and whose length exceeds forty-five feet but in combination with a tow vehicle does not exceed eighty-five feet.

(4) Oversize mobile home permits may be issued as follows:

(a) Annual permits((::)) may be issued only to permittees who are qualified as dealers or manufacturers as provided in chapter 46.70 RCW ((and)) or to transporters licensed as provided in chapter 46.76 RCW. ((Fees as provided for in RCW 46.44.0941.))

Annual permits shall apply only to transport of mobile homes fourteen feet or less in height, above level ground, while being transported.

((Applicant must present a copy of transporter's license obtained in accord with chapter 46.76 RCW, a dealer's license or manufacturer's license obtained in accord with chapter 46.70 RCW, and register with the department of transportation the license number of the tow vehicle for which the oversize permit will be assigned, and the numbers of the dealer's, manufacturer's, and transporter's plates that may be used in combination with the tow vehicle's license number. Operation under the permit with dealer's, manufacturer's, and transporter's plates under conditions other than those recorded on the permit, shall constitute violation of the permit.))

Within ten days of transporting a mobile home ((on)) with an annual oversize permit, the permittee shall mail a completed Highway Form (560-053) to the department of transportation, giving notice of the origin and destination of the mobile home. ((Failure to comply with this regulation is a misdemeanor as provided by RCW 46.16.106.))

(b) Monthly permits((::)) may be issued to dealers, manufacturers, and transporters under the same conditions as annual permits except that fourteen ((feet)) foot height limitations may be waived ((as provided by RCW 46.44.0941.)). ((Fees also provided for under RCW 46.44.0941.))

(c) Single trip permits((::)) may be issued to dealers, transporters and owners for a specific combination of tow vehicle and mobile home to travel from a point of origin to a prescribed destination.

A ((movement)) single trip permit (((5.00 fee))) is required for all mobile homes without a dealer's or transporter's license plates (in addition to an oversize mobile home permit). For mobile homes being transported)) for movement of a mobile home within or leaving the state((, a movement permit)) shall not be ((issued until a Highway Form (560-053) is provided, signed)) valid unless there is attached certification by the treasurer of the county ((treasurer)) in which the mobile home has been located ((assuring that all appropriate taxes and fees have been paid. The highway form is not required for movement permits issued at ports of entry for mobile homes in transit throughout

the state)) that the requirements of RCW 46.44.170 have been met. Movement permits for mobile homes coming into the state or in transit through the state to another state or province do not require such certification.

(5) ((Before an oversize permit is issued,)) The permittee must ((carry evidence that he has)) have insurance in effect while operating under the permit((,)) in the minimum amounts of \$100,000-\$300,000 public liability and \$50,000 property damage. Pilot car operators shall meet the insurance requirements of RCW 46.44.180.

(6) ((While operating under an oversize permit, accidents involving other vehicles or structures which results in damages of one hundred dollars or more, or any incident which results in damage only to the mobile home in excess of two hundred fifty dollars, shall be reported by the permittee immediately to the nearest state patrol office. The report shall include a statement of location of accident, the cause, and a brief account of circumstances and effects relating to the accident. Without approval by the state patrol, further movement of the mobile home is prohibited under the permit (except to take the minimum action to remove or reduce a hazard to highway traffic).)) If an accident occurs while transporting a mobile home under permit, the permittee shall immediately notify the nearest state patrol office if the damage is greater than two hundred and fifty dollars to the mobile home or greater than one hundred dollars to other vehicles or structures. Permission to continue the movement must be obtained from the state patrol.

(7) Dealers selling ((over)) 12((-foot)) to 14((-foot)) foot wide mobile homes ((will)) must advise the prospective purchaser((, by written notice,)) in writing that ((the movement of such mobile homes over)) not all state highways ((will be at the discretion of the department of transportation, and that an oversize permit cannot be granted for movement over any section of state highway which is not designated as a route for over 12-foot to 14-)) are approved for the transport of 12 to 14 foot wide mobile homes.

(8) ((Mobile and modular homes in transit under the authority of permits issued in accordance with WASHTO Uniform Mobile and Modular Home Transportation Regulations, will be subject to such regulations and any conflicts between WASHTO regulations, as applied to an individual permit, issued by another WASHTO state and any regulations contained herein, will be resolved in favor of WASHTO regulations. On transporter's, dealer's or owner's request, permits may be issued in accordance with WASHTO Uniform Mobile and Modular Home Transportation Regulations when travel out-of-state is also involved.)) Permits issued in accordance with the Uniform Mobile and Modular Home Transportation Regulations of WASHTO will be subject to those regulations and will be honored by the state of Washington if issued by other states.

(9) Mobile homes:

(a) Overall dimensions shall not exceed those ((presented)) stated in the permit except for minor protrusions not to exceed 2 inches, such as door and window hardware. Eaves will be included in the measurement of maximum width. All dimensions shall be reduced to the practical minimum. Mobile homes having a single eave overhang along their length will be transported to allow for safe passing distances.

(b) The ((entire)) complete system ((frame, drawbar and coupling mechanism, running gear assembly, and lights)) shall be in accord with federal H.U.D. rules and regulations title 24, chapter 11, subpart J part 280 effective June 15, 1976 (24 CFR 280) and as thereafter amended. In addition thereto, all tires used in transportation of mobile homes under this category shall be in accord with Federal Motor Carrier Safety regulations title 49, chapter 111, subchapter B, part 393 effective October 1, 1975, and as thereafter amended)) of the mobile home, including running gear assembly, shall comply with the rules and regulations adopted by the United States Department of Housing and Urban Development (24 CFR 280). Tires shall comply with applicable Federal Motor Carrier Safety Regulations, Title 49, chapter 111. Those mobile homes not certified as qualifying to the minimum H.U.D. specifications ((herein,)) shall have brakes on ((a minimum of)) at least two axles and on four wheels. Units ((that are)) of sixty feet or more in length shall have at least three full axles, ((provided,)) except that 12-foot wide mobile homes manufactured prior to November 1, 1970, may be moved with a minimum of two axles. The brakes shall be under the control of the driver from the cab of the towing vehicle, and shall be adequate to control the mobile home and its load((, and)). They shall be so designed and connected that they shall automatically apply in case of accidental breakaway from the towing vehicle. A wet-cell or approved battery with a full charged rating of 12 volts will be installed in the mobile home to actuate electric

brakes in the event of a breakaway. The minimum track width between two wheels on ((an)) the same axle shall be ((not less than)) eight feet. Track width shall be measured from the outer edges of the road bearing tread of tires on a single axle. Tires shall have no signs of separation or excessive aging((,)) and shall be inflated to the maximum recommended tire pressure and have tread depth no less than 3/32nd inch in any part of tire contacting the road. Recapped or retreaded tires are not allowed. Minimum combined load rating of mobile home tires must be in excess of their in-transit load. Axles and wheels must be properly aligned to minimize wear and overheating of tires.

(c) The open side((s)) of half sections of mobile homes shall be covered ((with rigid material such as plywood, hardboard, or similar material, in lieu of rigid material, suitable plastic polyethylene or other material with a minimum .5 mil thickness may be used provided a rigid grillwork of squares, not exceeding four feet on a side, prevents)) in such a way as to prevent billowing of the ((flexible)) covering material.

(d) ((Rear mounted turn and stop signal lights shall be in accord with Federal Motor Vehicle Safety Standard No. 108 effective January 1, 1972, and as thereafter amended.))

(e) If mobile home is to transport furnishings or other loose objects, they)) Furnishings or loose objects within the mobile home shall be secured in positions to achieve proper weight and balance.

((f)) Be in accord with Federal H.U.D. Mobile Home Construction and Safety Standards title 24, chapter 11, part 280, effective June 15, 1976, and as thereafter amended.))

(10) Tow vehicles:

(a) Tow vehicles shall comply with the following minimum requirements:

MOBILE HOME WIDTH TO BE TOWED	DRIVE AXLE ((GEW)) TIRE WIDTH RATING	GROSS CURB WEIGHT	(1) REAR AXLE WEIGHT	RATING
Over 8' to 10'	7.00"	6 ply	(2)	6,000# (2)
Over 10' to 12'	8.00"	8 ply	35,000(3)	8,000# 15,000#
Over 12' to 14'	8.25"	10 ply	35,000#	9,000# 15,000#

(1) Includes fuel and accessories prior to hook-up with mobile home.

(2) Not required.

(3) May be waived for older vehicles.

(b) Conventional or cab-forward configuration shall have a minimum wheelbase of 120 inches. Cab-over engine tow vehicles shall have a minimum wheelbase of 89 inches. ((Two)) Tow vehicles shall have a minimum 4-speed transmission. Power shall be sufficient to meet the requirements listed.

(c) Electrical brake controls, wiring and connections to mobile home brake systems will be capable of producing rated voltage and amperage at the mobile home brake magnets in accordance with the mobile home brake manufacturer's specifications.

(11) Signs and flags: ((Provisions of WAC 468-38-200 and 468-38-240 will apply and in addition thereto, sign length)) In addition to the requirements of WAC 468-38-190, the OVERSIZE LOAD sign will be attached horizontally on the rear of the trailer home with the bottom edge ((not less than six feet nor more than)) between five and seven feet above the road surface. Sign material shall be impervious to moisture, clean and mounted with adequate supporting anchorage to provide legibility at all times.

(12) Lights: In addition to provisions of WAC ((468-38-230)) 468-38-170, 6-inch diameter flashing amber lights with a minimum of 35 candle power shall be mounted on the upper outer edges of the rear of the trailing unit. They shall be operated with a flashing cycle of 60-120 times per minute during transit. Wiring and connections shall be in good working order.

(13) Travel speeds for mobile homes(:

(a) The maximum speed on sections of highway posted for 55 miles per hour will be 45 miles per hour and the minimum speed will be 35 miles per hour, except where traffic or roadway conditions require a lower speed.

(b) The maximum speed on sections of highway posted for 50 miles per hour will be 40 miles per hour and the minimum speed will be 35 miles per hour, except when traffic or roadway conditions require a lower speed)) shall be as set forth in WAC 468-38-340.

(14) ((In addition to the provisions of WAC 468-38-330, movement of)) Mobile homes ((will be made with maximum consideration for safety and with the least possible inconvenience for the traveling public. Units)) traveling in rural areas shall maintain adequate spacing of at least one-half mile between any two mobile home units. All units shall maintain a minimum distance of from 400 to 500 feet behind any

truck, truck-tractor or trailer which could impair the visibility of an overtaking vehicle.

(15) ((On multiple lane routes,)) The mobile home unit shall be operated in the right ((outside or number (1))) lane((;)) except when passing. On two-lane highways, units shall not pass other vehicles((;)) except when required to ((safely)) pass a vehicle ((operating at speeds less than the minimum specified in these regulations)) being operated at a speed so slow as to hinder the safe flow of traffic.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-130 ((EMERGENCY CLOSURE AND LOAD RESTRICTIONS ON STATE HIGHWAYS)) LIGHTS—STOP AND TURN SIGNALS. ((1)) In accordance with the provisions of RCW 46.44.080, whenever due to emergency conditions the use of a state highway by all vehicles or by vehicles whose gross tire loads exceed those described in either schedule contained in subsection (2) of this section, will damage the highway or will be dangerous to traffic using the highway, the department of transportation shall without delay close such highway temporarily to all vehicles or to a designated class of vehicles, as the case may be, by posting notices at each end of the closed portion of highway and at all intersecting state highways.

(2) When imposing load restrictions pursuant to this section, the department of transportation shall specify and display by posted signs whichever of the following schedules of emergency load restrictions is necessary to protect the highway from damage in accordance with the conditions then existing:

EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES		TUBELESS OR SPECIAL TIRES WITH .5 MARKING	
TIRE SIZE	GROSS LOAD EACH TIRE	TIRE SIZE	GROSS LOAD EACH TIRE
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00		12-24.5	
& over	4500 lbs.	& over	4500 lbs.

SEVERE EMERGENCY LOAD RESTRICTIONS

CONVENTIONAL TIRES		TUBELESS OR SPECIAL TIRES WITH .5 MARKING	
TIRE SIZE	GROSS LOAD EACH TIRE	TIRE SIZE	GROSS LOAD EACH TIRE
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00		12-22.5	
& over	3000 lbs.	& over	3000 lbs.

(a) No allowance will be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, commonly known as a "rigid trail axle". Allowance will be made for single tires only, on the front axle of any truck.

(b) The load distribution on any one axle of any vehicle shall be such that it will not load the tires on said axle in excess of the prescribed load set forth in this section. PROVIDED, That a truck, truck tractor, passenger bus or school bus having conventional 10.00 x 20 tires or 11-22.5 tires, or larger, may carry a maximum load of 10,000 lbs. on the front axle over any state highway placed under Emergency Load Restrictions.

(3) Permits may be issued by the department of transportation to allow the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents on such state highways as may be closed or restricted in accordance with RCW 46.44.080, subject to specific weight and speed restrictions as may be deemed necessary by the department of transportation to protect highways from undue damage.

(4) This rule shall not supersede or modify any rule in force establishing load limitations on state highway bridges.) Permits will be issued to move only vehicles equipped with brake lights and turn signals as required by RCW 46.37.200.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-140 ((LOAD LIMITATION ON STATE ROUTE 11)) FLAGS. ((All vehicles over 10,000 pounds gross weight shall be prohibited from using State Route 11 between Mile Post 10.79 at Oyster Creek and Mile Post 14.28 in the vicinity of Larrabee State Park, a distance of 3.49 miles except those vehicles connected with the operation, maintenance and construction of the highway, and emergency vehicles.)) All flags shall be clean, bright red flags at least 12 inches square. They shall be displayed so as to wave freely on all four corners of overwidth objects and at the extreme ends of all protrusions, projections, or overhangs.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-150 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS)) FLAGPERSONS. ((1)) Pursuant to the provisions of these rules, special permits may be issued for movement of overlegal size or weight loads, other than those types of loads covered by other rules of the department of transportation, when:

(a) Application has been submitted in person, in writing, or by other approved method, good cause has been shown, and the applicant is competent to make the move;

(b) The applicant has shown that the load to be moved cannot reasonably be dismantled or disassembled, except as otherwise provided in subsection (2) of this section;

(c) The vehicle, combination, or load has been dismantled and made to conform with legal limitations where practical. Reductions shall be made even though the use of additional vehicles becomes necessary, except as otherwise provided in subsection (2) of this section;

(d) The vehicle or vehicle and load has been thoroughly described and identified; the points of origin and destination and the route of travel have been stated and approved;

(e) The proposed move has been determined to be "not inconsistent with traffic safety";

(f) The permittee affirms that:

(i) The vehicles have been properly licensed to make the proposed move or carry the load described in accordance with the provisions of Washington law;

(ii) The drivers and owners of the vehicles have met all financial responsibility requirements imposed by law;

(iii) The drivers are properly licensed to operate in Washington in the manner proposed; and

(iv) When the permit is requested, such action shall be deemed an unequivocal allegation by the permittee that all operational and financial responsibility requirements have been complied with;

(g) All applicable rules pertaining to the issuance of any special permit shall be complied with;

(2) The provisions of subsection (1)(b) and (c) of this section may be waived and a permit issued when the width of a vehicle or load will not exceed eight feet six inches. Safety appliances may extend beyond the approved width by no more than two inches as defined in RCW 46.44.010 despite the fact that this results in a width in excess of eight feet six inches.) (1) The flagperson shall be an employee or an agent of the permittee, shall be at least eighteen years of age, and shall have a red flag at least 12 inches square mounted on a staff. The flagperson may ride in the cab of the motor vehicle operating under permit or in another vehicle. One flagperson may not be assigned to two or more simultaneous moves.

(2) The flagperson shall dismount and direct traffic at all locations where traffic may be obstructed, or when it is necessary to infringe on the opposing traffic lane because of breakdown or other cause. The flagperson shall warn traffic through the use of the red flag of the approaching load at danger points such as bridges, tunnels, and sharp corners where the operator of the vehicle or vehicles plans to turn.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-160 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—LIABILITY OF PERMITTEE)) SIDE MIRRORS FOR OVERTIME LOADS. ((Permits are granted with the specific understanding that the permittee shall be responsible and liable for accidents, damage or injury to any person or property resulting from the operation of the piece of equipment covered by the permit upon public highways of the state, and that the permittee shall hold blameless and harmless and shall indemnify the state of Washington, department of transportation and members thereof, its officers, agents and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, which they or any of them may sustain by reasons of unlawful acts, conducts or operations of the permittee in connection with the operations covered by the permit.)) Side mirrors shall be so mounted on vehicles hauling overwide loads that the driver can see the highway for a distance of two hundred feet to the rear of the vehicle.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-170 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—MAXIMUMS FOR SPECIAL PERMITS)) AMBER LIGHTS ON ESCORT VEHICLES. ((1) Overwidth: 14 feet on any 2-lane highway. (See also Buildings), 20 feet on any multiple lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, 32 feet on any multiple lane undivided highways. RCW 46.44.092.

(2) Overheight: Governed by the clearance of overhead obstructions such as bridges, underpasses, wires, sign bridges, etc. Highways listed on a special permit for an overheight load as a primary route from starting point to destination does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions.

(3) Overlength: Controlled by the route to be traveled and the ability to negotiate curves, interchanges, entrance and exit roadways, etc. In all instances, the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle. (See also weight construction equipment), 43,000 pounds on dual (tandem) axles. RCW 46.44.091.)) Two 4 inch minimum flashing amber lights or a single rotating amber flashing beacon will be displayed above the roof line of car escorts and plainly visible. The amber lights used for these purposes shall meet SAE Standard Specification (SAE J-59 5b), "Flashing Warning Lamps for Authorized Emergency, Maintenance and Service Vehicles." These amber lights will operate at all times during movement of oversize unit.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-180 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—ESCORT CAR REQUIREMENTS)) BRAKES. ((Escort cars are required:

(1) When vehicle, vehicles or load is over 10 feet in width, escort cars (both front and rear) are required when the highway to be traversed is a two-lane highway.

(2) When vehicle, vehicles or load is over 12 feet in width, one escort car in rear of movement will be required on multiple-lane highways unless otherwise specified on permit maps furnished by the department of transportation.

(3) When vehicle, vehicles or load is over 20 feet in width, escort cars both in front and rear of movement will be required when highway to be traversed is a multiple-lane, undivided highway.

(4) When overall length of load, including vehicles, exceeds 100 feet or when rear overhang of load from the last axle exceeds one-third of total length, one escort car or by express authority set forth in the permit a riding flagman will be required on 2- and 3-lane highways.

(5) When overall length of load, including vehicles, exceeds 140 feet, one rear escort car will be required when movement is on multiple-lane highways.

(6) When in the opinion of the department of transportation, escort cars are necessary to protect the traveling public, for any overdimension and/or overweight move either across, upon, or along a highway: (1) Every motor vehicle or combination of motor drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service brake, within a distance of 50 feet decelerating from 20 miles per hour.

(2) Permits will not be issued to equipment "in tow" without brakes unless a three axle truck with a minimum unladen weight of 15,000 pounds is employed as the power unit and is equipped with sufficient power and brakes to control at all times the vehicle being towed, in accordance with subsection (1) of this section.

(3) All vehicles must meet the requirements of chapter 46.37 RCW relating to brakes unless it is specifically stated on the permit that the vehicle is exempted from these requirements.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-190 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—TYPE OF ESCORT CARS)) SIGNS. ((Cars must be furnished by the permittee. Escort cars may be a passenger car or a 2-axle truck with a minimum wheelbase of 95 inches and a maximum curb weight not to exceed 10,000 pounds except when used as escort vehicle, an unladen tow vehicle may exceed 10,000 pounds.

Escort cars will be of such design so as to afford the driver clear and unobstructed vision both front and rear.

Escort cars will be in safe operational condition, properly licensed and obey all traffic laws.

Escort car operators shall be experienced in the operation of escort vehicles, and no unnecessary passengers who could distract operator in escort vehicles shall be permitted.

When required, pilot escort cars will travel at a distance of approximately 800-1,500 feet in front of and to the rear of the load except that this distance will be reduced in urban areas, at major intersections, and at structures less than 28 feet curb-to-curb width.

When dictated by hazardous conditions the pilot car driver will act as a flagman for traffic control and will signal by hand or by radio to the towing vehicle driver when he can proceed without conflict with approaching traffic.

The driver of the rear escort car will act as a flagman when hazardous conditions exist and in turning movements will advise the towing vehicle driver as to clearance in turning movements and of accumulations of overtaking traffic so the driver can provide an opportunity to pass.

When required, the rear escort car will travel far enough behind the load to provide adequate warning for overtaking vehicles and safe space for the rear escort car and the trailing unit for passing vehicles. All escort cars shall carry a minimum of three approved emergency fuses and red flags.

Pilot car operators shall be properly licensed to operate the vehicle: PROVIDED, When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the preceding car requirements shall not be applicable.)) **OVERSIZE LOAD** signs (at least 5 feet wide and 10 inches high with 1 inch stroke on yellow background) will be mounted on the front of the towing vehicle and on the rear of the load or trailing unit and above the roof line of escort cars a minimum of five feet above the roadway surface measured from the bottom of the sign. If the nature of the towing vehicle or load is such that the sign cannot be mounted five feet above the roadway surface, it shall be placed above the front bumper or as high as practicable on the vehicle or load. Such signs are to be displayed only when the unit is in transit and must be removed or retracted at all other times. Such signs shall be clean and clearly legible at a distance of five hundred feet during clear weather.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-200 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—FLAGS)) SAFETY CHAINS AND DEVICES. ((All flags shall be clean, bright red flags at least 12 inches square. They shall be displayed so as to wave freely on all four corners of overwidth objects and at the extreme ends of all protrusions, projections, or overhangs.)) Special permits will not authorize the operation

of any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other load securing device. Dragging of load on the roadway will not be permitted. Vehicles with a boom or structural erection member attached thereto must have the boom or member secured in such a manner that it will not elevate or sway in transportation.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-210 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—QUALIFICATIONS FOR FLAGMAN)) TWO-WAY RADIO. ((The flagman shall be an employee or an agent of the permittee, may be either male or female, shall be at least eighteen years of age, and shall be equipped with a red flag not less than 12 inches square mounted on a staff. He may ride in the cab of the motor vehicle with the driver, or may accompany the movement in another vehicle not being operated under permit authority. At least one flagman must accompany each move for which a flagman is stipulated in the permit. One flagman may not be assigned to two or more simultaneous moves.)) Both towing unit and escort vehicles shall be equipped with two-way radio facilities, licensed under federal communications commission regulations, adequate to provide reliable voice intercommunication between the drivers thereof at all times during which the oversize unit is in motion. The radio contact shall be capable of being sustained over a distance of at least one-half mile under conditions normally encountered along the route. The selected radio channel shall be continuously monitored by the drivers of the towing unit and the escort vehicle(s) at all times the oversize unit is in motion.

For the purpose of this requirement, radios designed for use under Federal Communications Commission Rules, Part 15, subpart E — low power communications devices, will not be considered acceptable.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-220 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—DUTIES OF FLAGMAN)) MOVES IN CONVOY. ((The flagman shall dismount and direct traffic at all locations where traffic may be obstructed, or when it is necessary to infringe on the opposite bound traffic lane due to breakdown, putting on or off the road, or other causes. Through the use of the red flag, he shall warn traffic of the approaching load at danger points such as bridges, tunnels, and sharp corners where the vehicle or vehicles plan to turn.)) Vehicles traveling under permit authority requiring pilot cars may not travel in convoy, unless they are moving farm implements.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-230 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—AMBER LIGHTS ON ESCORT VEHICLES)) DAYS ON WHICH PERMIT MOVEMENTS ARE PROHIBITED. ((Two 4-inch minimum flashing amber lights or a single rotating amber flashing beacon will be displayed on the top, above the roof line of car escorts and plainly visible. The amber lights used for these purposes shall meet SAE Standard Specification (SAE J-59-5b), "Flashing Warning Lamps for Authorized Emergency, Maintenance and Service Vehicles." These amber lights will operate at all times during movement of oversize unit.)) Oversize movements are prohibited on Fridays after 2:00 p.m. if width is in excess of 10 feet; all other overlegal movements prohibited after 4:00 p.m. Fridays and after 12:00 noon on Sundays. Overlegal movements are prohibited on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and during the afternoon of the day preceding said holidays. Should any of the holidays fall on a Saturday or Sunday, the preceding Friday or the following Monday shall be considered such holiday.

Movements may be made on holidays that are not universally observed, provided they do not conflict with the policy for Fridays and Sundays, e.g., Lincoln's Birthday, Washington's Birthday, Columbus Day, Veterans' Day and General Election day.

NEW SECTION

WAC 468-38-235 COMMUTER TRAFFIC RESTRICTIONS. Movement by special permit will be prohibited on urban sections of state highways in the vicinity of cities having a population of more than 15,000 during the morning and evening commuting hours and other sections of state highways having excessive volumes. The department shall prescribe specific hours and regulations for oversize movements in and adjacent to Seattle, Tacoma, Spokane, Everett, Vancouver and other areas as deemed necessary.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-240 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—SIGNS)) CARGO PROHIBITION ON REVERSIBLE LANE ROADWAYS. (("Oversize load" signs meeting the minimum standards of the department of transportation will be mounted on the front of the towing vehicle and on the rear of the load or trailing unit and above the roof line of escort cars, a minimum of 5 feet from the roadway surface measured from the bottom of the sign. A variance of this sign mounting requirement will be granted only when, due to nature of the towing vehicle and load, the sign is mounted above the front bumper or as high as practicable on vehicle or load. Such signs will be displayed only when the unit is in transit and must be removed or retracted at all other times.)) Trucks carrying flammable liquid cargoes are prohibited from using the reversible lanes on SR 5, Seattle Freeway, between James Street and 110th Street N.E. The term "flammable liquid" as applied to this rule shall be as defined in RCW 46.04.210.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-250 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—TWO-WAY RADIO)) DAYS ON WHICH PERMITS NOT ISSUED. ((Both towing unit and escort vehicles shall be equipped with two-way radio facilities, licensed under federal communications commission regulations, adequate to provide reliable voice intercommunication between the drivers thereof at all times during which the oversize unit is in motion. Transmitting and receiving capabilities of the radio facilities employed shall be adequate to provide the required intercommunication over a minimum distance of one-half mile separation under conditions normally encountered along the proposed route. Communication shall be established between escort units and towing unit at the start of the movement and maintained at intervals during the movement sufficient to provide assurance of intercommunication capability. The selected radio channel shall be continuously monitored by both towing unit and escort vehicle drivers at all times oversize unit is in motion. Note: For the purpose of this requirement, radios designed for use under Federal Communications Commission Rules, Part 15, Subpart E — low power communication devices will not be considered acceptable.)) All offices of the department authorized to issue permits for the movement of vehicles or loads of excess size or weight are closed on Saturdays, Sundays and legal holidays. Consequently, permits will not be issued on these days. Applicants are required to arrange moving schedules and apply for permits sufficiently in advance of the moving dates to allow for this contingency.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-260 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—DAYS UPON WHICH PERMIT MOVEMENTS ARE PROHIBITED)) NIGHT-TIME MOVEMENTS. ((Oversize movements are prohibited on Fridays after 2:00 p.m. if width is in excess of 10 feet; all other overlegal movements prohibited after 4:00 p.m. Fridays, after 12:00 noon on Saturdays, on Sundays and on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and during the afternoon of the day preceding said holidays. Should any of the holidays fall on a Saturday or Sunday, the preceding Friday or the following Monday shall be considered such holiday.)) Special permits will authorize overlegal movements only during daytime hours under normal atmospheric conditions, except that movements up to 10 feet wide may be made by permit at night on highways whose lanes of travel are

at least 12 feet wide. No movements shall be made when visibility is reduced to less than 1,000 feet or when hazardous roadway conditions exist. Daytime means from one-half hour before sunrise to one-half hour after sunset. Night-time means any other hour. It shall be the responsibility of the permittee to discontinue movement and remove the unit from the highway when any of the above conditions exist which could create an unsafe movement.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-270 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—PERMITS NOT ISSUED ON SATURDAYS, SUNDAYS OR HOLIDAYS)) CONSTRUCTION EQUIPMENT. ((All offices of the department authorized to issue permits for the movement of vehicles or loads of excess size or weight are closed on Saturdays, Sundays and legal holidays. Consequently, permits will not be issued on these days. Applicants are required to arrange moving schedules and apply for permits sufficiently in advance of the moving dates to allow for this contingency. Movements may be made on holidays which are not universally observed. PROVIDED, They do not conflict with the policy for Fridays, Saturdays and Sundays. i.e. Lincoln's Birthday, Washington's Birthday, Columbus Day and General Election Day.)) Pursuant to RCW 46.44.091(3), permits may be issued to move equipment on approved highways whose single axle weight is not more than 45,000 pounds if operating on single pneumatic tires having a rim width of 20 inches or more and a rim diameter of 24 inches or more. If the vehicle has dual pneumatic tires, the rim width shall be at least 16 inches and the rim diameter shall be at least 24 inches.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-280 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—WINTER ROAD RESTRICTIONS)) SPECIAL EQUIPMENT. ((During the period of winter restrictions, permits shall not be issued for movement on routes posted for restricted weight and speed limits unless the tire sizes and number meet the requirements for waiver of such restrictions. The movement of units whether driven, towed or hauled is prohibited in areas where "Approved Traction Devices Recommended," "Approved Traction Devices Required" or "Tire Chains Required" signs are displayed. Special permits for movements over mountain passes (Snoqualmie, Stevens, Sherman, Blewett, White and Satus) will not be valid during periods when snow is falling to a degree that the visibility is limited to less than 1,000 feet, immediately following a severe storm when snow removal equipment is working, when fog or rain limits visibility to less than 1,000 feet, or when compact snow or ice conditions require the use of chains. If after a move is undertaken, hazardous conditions are encountered, it shall be the responsibility of the permittee to remove the oversize load from the highway, and he shall not proceed until conditions have abated and he has obtained clearance from the nearest department of transportation office or the Washington state patrol. PROVIDED, That no permits will be issued for 14 feet wide mobile homes during the winter months commencing on a date to be determined by the secretary of transportation when snow conditions on any portion of Snoqualmie Pass first restrict the movement of such vehicles off the traveled portion of the highway onto shoulder areas. The prohibition of movement of such vehicles over Snoqualmie Pass shall continue until such time that the secretary determines that snow conditions on that pass which would restrict movement of such vehicles onto shoulder areas will probably not recur for the year. This restriction shall be effective when properly posted by the department of transportation.)) Special equipment employing axle groupings other than the conventional single or tandem axle must first be approved by the department before permits will be granted authorizing the unit to operate on state highways.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-290 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR

WEIGHT LOADS—NIGHT-TIME MOVEMENTS PROHIBITED)) FARM IMPLEMENTS. ((Special permits will authorize overlegal movements only during daytime hours under normal atmospheric conditions. No movements shall be made when visibility is reduced to less than 1,000 feet or when hazardous roadway conditions exist. Daytime means from one-half hour before sunrise to one-half hour after sunset. Night-time means any other hour. It shall be the responsibility of the permittee to discontinue movement and remove the unit from the highway when any of the above conditions exist, which could create an unsafe movement.)) (1) "Farm implements" means every device capable of being driven or drawn upon a highway which, when operated, directly affects the fertilizing, tilling, planting, cultivation or harvesting of crops of the soil.

(2) "Farm implements" does not include:
 (a) Implements having a gross weight of 45,000 pounds or more;
 (b) Those more than 20 feet wide;
 (c) Those not equipped with pneumatic tires;
 (d) Those more than 14 feet wide if not used for the harvest of mature crops; or

(e) Spray or fertilizer applicator rigs or equipment auxiliary to any of these rigs which are wider than 8 feet when they are operated more than 50 miles from the dealer facility.

(3) Farm implements less than 14 feet in width do not require a special permit for movement on state highways other than fully controlled limited access highways. Other movements require a permit, the fees for which are listed in RCW 46.44.0941.

(4) Permits will not be granted for farm machinery over 20 feet wide.

(5) The movement of farm implements, whether exempt from obtaining a permit or not, shall be subject to the following regulations:

(a) Width: If more than 8 feet, the implement must display bright red flags at least 12 inches square so as to wave freely on all 4 corners of the vehicle and at extreme ends of all protrusions, projections, or overhangs.

(b) Distance: A farm implement must allow at least 500 feet between it and another vehicle so as not to impair the visibility of an overtaking vehicle. If 5 or more vehicles line up behind a farm implement, the farm implement is to pull off the roadway until traffic is cleared.

(c) Hours of movement: Implements may be moved only during daylight hours (i.e., one-half hour before sunrise to one-half hour after sunset). Movement is prohibited when visibility is less than 1,000 feet, or when hazardous conditions exist, as defined by the department of transportation or the state patrol. Movement on weekends is prohibited except during harvest seasons.

(d) Lights: The department may authorize movements outside daylight hours if an emergent harvest condition exists. Escort vehicles are required for such movements operating in accordance with the requirements set forth below. The farm implement or transporting vehicle shall also be equipped with rear red lights and red reflectors. In addition, it shall display 4 inch double face flashing amber lights mounted one on each side at the widest point on the farm implement so as to be visible to oncoming and overtaking traffic.

(e) Convoys: Convoying may be used to move farm implements. Two-way radio equipment shall be available to the farm implements and the escort vehicle.

(6) Signs and escorts are required for the movement of farm implements as follows:

(a) On two-lane state highways:
 (i) If 8 to 10 feet wide, OVERSIZE LOAD signs visible to oncoming and overtaking traffic must be displayed. (These signs must meet the requirements of WAC 468-38-190. They must be displayed as high as practicable on the farm implement.)

(ii) If 10 to 20 feet wide, escort vehicles must precede and follow.
 (b) On multiple-lane state highways:
 (i) If 8 to 14 feet wide, the implement shall display an OVERSIZE LOAD sign on the rear.

(ii) If 14 to 20 feet wide, it shall be followed by an escort vehicle.
 (7) The use of escort vehicles shall be as prescribed in WAC 468-38-100 and 468-38-110.

(8) A flagperson may be used instead of an escort vehicle when authorized by permit.

(a) A flagperson shall be an agent or an employee of the person moving the farm implement, and must be at least 18 years old. The flagperson shall have a red flag not less than 12 inches square mounted on a staff, and may ride in the cab or in another vehicle. A flagperson is required if stipulated in the permit.

(b) The flagperson may get out of the vehicle and direct traffic whenever traffic is obstructed, or where necessary to infringe on the opposite lane of traffic. The flagperson shall warn traffic of the approaching load at danger points.

(9) Posting a route may be used in lieu of the requirement for pilot cars. The following conditions must be met:

(a) The intended route can be no more than 2 miles along public highways.

(b) Signs must be posted on the shoulder of the right side of the roadway no more than 12 feet from the edge of the traffic lane.

(c) Signs shall read "OVERSIZE VEHICLE MOVING AHEAD" and be posted on a square at least 36 inches on each side in black lettering on a yellow background. They shall be removed as soon as possible after the farm implement has left the state highway.

(d) Signs shall not rest on the ground, and must be visible to vehicles approaching or turning onto the portion of state highway to be traveled.

(e) They shall be placed:

(i) In advance of the point where the farm implement enters the state highway;

(ii) In advance of the exit point; and

(iii) A sign on each side of the state highway near each access, public or private, to inform the driver of a vehicle turning onto the state highway in either direction.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-300 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS - HOURS MOVEMENTS NOT ALLOWED))

DRAWBAR-TOWLINES. ((Commuter Traffic Restrictions. Movement will be prohibited on urban sections of state highway in the vicinity of cities having a population of more than 15,000 during the morning and evening commuting hours and other sections of state highways having excessive traffic volumes. The department shall prescribe specific hours and regulations for oversize movements in and adjacent to Seattle, Tacoma, Everett, and other areas as deemed necessary.)) The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave, or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of a bar, chain rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds 15 feet, there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than 12 inches square.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-310 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS -))ADVERSE WEATHER. Moves may not be made when visibility is reduced to less than 1,000 feet or under hazardous roadway conditions deemed unsafe by the department of transportation or the Washington state patrol.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-320 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS - PATROL)) ENFORCEMENT OFFICER MAY RESTRICT MOVEMENTS. ((During those periods of adverse weather when overdimension vehicles and loads may otherwise be transported over highways under permit authority, should operating conditions be impaired or otherwise become hazardous due to inclement weather (which may include high winds), the Washington state patrol)) When movements by permit are being made, and adverse weather conditions arise, an enforcement officer, at ((their)) his discretion, may require the driver of the vehicle or combination to pull off the highway. ((They)) He may direct or escort a vehicle ((off the highway)) to a place of safety where it may be parked until weather conditions abate and the movement can be resumed under safe operating conditions. The Washington state patrol may determine that such weather conditions exist that certain classes of vehicle may not traverse the highway until those conditions abate.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-330 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS -))CONSIDERATION OF TRAVELING PUBLIC. When five or more vehicles ((queue)) line up behind an oversize load, the unit is to be removed from the roadway at a place of safety and temporarily stopped until the traffic has cleared.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-340 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS -))SPEED LIMITS. (1) Unless otherwise stated, maximum speeds for vehicles, combination of vehicles, or vehicles and loads being operated under permit shall be as posted for trucks.

(2) When travel on the roadway shoulder is required on a two-lane highway((;)) to allow overtaking traffic to pass, the speed will not exceed 25 miles per hour.

(3) The speed limit contained in a permit ((has been)) is listed as one of the conditions upon which the permit has been issued. This stated speed limit ((takes precedence over any maximum or minimum speed limit that may be posted on any highway)) shall not be exceeded, but if a lower limit is posted on any highway, it shall take precedence. Violation of the speed limit contained in the permit will render the permit null and void.

(4) Speed limits shall be as follows:

(a) On two-lane highways in rural areas, 45 miles per hour.

(b) On multiple-lane highways (for all moves including 12-foot width), as posted.

(c) On multiple-lane highways (for moves over 12-foot width), 50 miles per hour.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-350 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS -))LANE OF TRAVEL. ((On multiple-lane routes the oversize unit shall be operated in the right outside or number one lane, except when passing. On two-lane highways no passing will be permitted, except when required to safely pass a vehicle operating at speeds less than the minimum specified in these regulations. Exception: When permit requires crossing structures on inside lane or on-centerline.)) The vehicle or combination moving by permit shall be operated in the right lane except when passing.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-360 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS - MOVES IN CONVOY)) BUILDINGS. ((Vehicles traveling under permit authority requiring pilot cars may not travel in convoy.)) (1) Width includes all eaves, porches, or other parts attached during movement.

(2) Movement of a high building will only be permitted if compatible with the structures on the route and the overhead wires, signs and traffic signals. In any movement of a building that requires dropping of any overhead service wire, it is the responsibility of the mover to make all arrangements with the power and telephone companies involved. If the move would require moving of overhead signs or signals, clearance must be obtained from the district administrator before the permit is granted.

(3) The district administrator shall determine whether the size of a building is such as to allow it to be moved by permit. He shall analyze the local traffic patterns and space to make that determination.

(4) Pilot cars will be used when required by the provisions of WAC 468-38-100.

(5) The maximum speed shall not exceed 25 miles per hour.

(6) No permit will be granted for dollies equipped with hard rubber or solid cushion rubber tires.

(7) Movement of buildings over 14 feet wide on two-lane state highways may be permitted under the following conditions:

(a) Controlled vehicular traffic shall be maintained as necessary at all times. The maximum traffic delay shall be five minutes, as estimated by the designated department employee.

(b) The maximum distance of the movement shall not exceed five miles. Additional contiguous permits shall not be issued to exceed the five mile limit. The department may, however, approve the movement for a distance greater than five miles if it determines that a hardship would otherwise result.

(c) Prior to issuing a permit, a qualified department of transportation employee shall make a visual inspection of the building and route involved determining that the conditions listed in this section shall be met and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement.

(d) Special escort and other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made.

AMENDATORY SECTION (Amending Order 25, Resolution 119, filed 7/22/81)

WAC 468-38-370 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—LOADING RESTRICTIONS AND REQUIREMENTS)) TRIPLE SADDLEMOUNTS. (((1) The vehicle combination or load must be reduced or disassembled to a practical minimum. Loads created by means of welding, bolting or tying will be construed to be reducible. Reductions shall be made even though the use of additional vehicles becomes necessary.

(2) Tracked vehicles must be loaded longitudinally upon the hauling unit.

(3) Oversize hauling units in a combination over sixty-five feet in length, fourteen feet in height, or eight feet six inches in width will be authorized to be used under permit authority only when the article to be hauled cannot reasonably be dismantled or disassembled and the size of such article equals or exceeds out-size dimensions of hauling unit. Oversize hauling units in a combination over sixty-five feet in length, fourteen feet in height, or eight feet six inches in width shall not be used to haul objects which can readily be reduced and hauled within the limits of a legal vehicle or combination of vehicles.

(4) Notwithstanding the provisions of subsections (1) and (3) of this section a vehicle or load exceeding eight feet in width may be allowed by permit provided it does not exceed eight feet six inches and providing such vehicle employs a minimum axle track of not less than 77-1/2 inches in width. Safety appliances may extend beyond the approved width by no more than two inches as defined in RCW 46.44.010 despite the fact that this results in a width in excess of eight feet six inches.)) (1) Definition: A combination of four vehicles used in a drive-away-tow-away operation with three vehicles in saddlemount position with the towing vehicle.

(2) Triple saddlemounts may be issued an annual permit to move on the state highway system in combinations up to 75 feet in length pursuant to RCW 46.44.0941.

(3) Vehicles operating in triple saddlemount combinations will meet specifications of the USDOT Federal Motor Carrier Regulations, parts 393.40-393.52 and 393.71.

(4) In triple saddlemount combinations, no towed vehicle will be permitted in lieu of saddlemount.

(5) Subject to limitations of RCW 46.44.041 a full mounted vehicle may be carried on the rear-most towed vehicle only.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-390 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—SPECIAL EQUIPMENT)) WINTER ROAD RESTRICTIONS. ((Special equipment employing axle groupings other than the conventional single or tandem axle must first undergo a test inspection by the Washington state patrol before permits will be granted authorizing the unit to operate on state highways. The inspection report must be filed with the headquarters permit office before issuance of a permit will be authorized. Approved listings of such approved equipment will be maintained at each office.)) During periods when "Emergency Load Restrictions" or "Severe Emergency Load Restrictions" are in effect, only vehicles equipped with tires required by WAC 468-38-080 may operate under permit. Movement by permit of units whether driven, towed or hauled is prohibited in areas where any of the following signs are displayed: "Approved Snow Tires Recommended", "Approved Snow Tires Required", or "Tire Chains Required".

Special permits for movements over mountain passes (Snoqualmie, Stevens, Sherman, Blewett, White and Satus) will not be valid during periods when snow is falling to a degree that visibility is limited to less than 1,000 feet; immediately following a severe storm when snow removal equipment is operating; when fog or rain limits visibility to less than 1,000 feet; or when compact snow and ice conditions require the use of chains. If hazardous conditions are encountered after a move is undertaken, it shall be the responsibility of the permittee to remove the oversize load from the highway, and he shall not proceed until conditions have abated and he has obtained clearance from the nearest department of transportation office or the Washington state patrol.

The secretary of transportation may issue special permits for department vehicles used for snow removal or the sanding of highways during emergency winter conditions. Such permits shall also be valid for vehicles in transit to or from the work site. Limitations on movement during hours of the day or days of the week may be waived. Sign requirements may be waived if weather conditions render such signs ineffectual. Movements at night may be made only by department vehicles whose lights meet the standards for emergency maintenance vehicles established by the commission on equipment.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-400 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—BRAKES—REQUIREMENTS)) LOAD LIMITATIONS ON STATE HIGHWAYS WITHIN MOUNT RAINIER NATIONAL PARK. (((1) Every motor vehicle or combination of motor drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service brake, within a distance of 50 feet decelerating from 20 m.p.h.

(2) Permits will not be issued to equipment "in tow" without brakes unless a three axle truck with a minimum unladen weight of 15,000 pounds is employed as the power unit and is equipped with sufficient power and brakes to control at all times the vehicle being towed, in accordance with subsection (1) of this section.)) The maximum gross weights of vehicles on SR 410 from the north boundary of Mount Rainier National Park to the east boundary at Chinook Pass, and on SR 123 from its junction with SR 410 to the south boundary of the park shall be as follows:

(1) No vehicle or trailer having a gross weight in excess of 5,000 pounds is permitted unless its use is in connection with the operation of the park or park concessioners holding contracts with the secretary of the interior.

(2) Buses having a gross weight in excess of 5,000 pounds may make regular or special runs provided authority is obtained from the park superintendent or his representative.

(3) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit may be allowed:

(a) If used to haul pack or saddle stock or recreational supplies or equipment for use within the park;

(b) If used to haul materials to or from a mine situated in the park; or

(c) If used to carry stock used or grazed in the immediate vicinity of these highways.

Signs shall be posted at each entrance to the park on SR 410 and SR 123 indicating that the preceding load restrictions are in effect.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-410 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—LIGHTS—STOP AND TURN SIGNALS)) LOAD LIMITATIONS ON CERTAIN STATE HIGHWAYS ADJACENT TO MOUNT RAINIER NATIONAL PARK. ((Permits will not be issued to allow movement of a vehicle not equipped with lights as provided by RCW 46.37.200.)) The limitations on gross weights listed in WAC 468-38-400 are applicable to SR 410 from the east boundary of the park to the American River resort, and to SR 123 from the south boundary of the park to its junction with SR 12. Authority to operate buses having a gross weight in excess of 5,000 pounds on these highways must be obtained from the department of transportation.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-420 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—SAFETY CHAINS AND DEVICES)) BRIDGE RESTRICTIONS. ((Special permits will not authorize the operation of any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. Dragging of load on the roadway will not be permitted. Vehicles with a boom or structural erection member attached thereto must have the boom or member secured in such a manner that it will not elevate or sway in transportation.)) The department shall from time to time evaluate the capacity of all bridges on the state highway system to carry loads. Bridges that cannot safely carry vehicles moving without a permit shall be posted. Vehicles exceeding the posted load limit shall not cross the bridge.

Vehicles carrying overloads authorized by special motor vehicle permit may not cross restricted bridges noted on the permit.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-430 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—DRAWBAR TOWLINES)) LOAD LIMITATION ON STATE ROUTE 11. ((The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave, or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of a bar, chain rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds 15 feet, there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than 12 inches square.)) All vehicles over 10,000 pounds gross weight shall be prohibited from using State Route 11 between Mile Post 10.79 at Oyster Creek and Mile Post 14.28 in the vicinity of Larrabee State Park, a distance of 3.49 miles, except those vehicles connected with the operation, maintenance and construction of the highway, and emergency vehicles.

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-440 ((SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—BUILDINGS)) RESERVATION OF FACILITIES FOR TRANSIT AND CARPOOLS. ((**(1) Width:** Will include all eaves, porches, etc., if attached during movement.)

(2) Height: The maximum height will be governed by location of any structures on the route and by overhead wires, signs, or traffic signals. In all building movements involving heights that will require the dropping of any overhead service wire, it is the responsibility of the mover to make all arrangements with the power and telephone companies involved. If the move would require moving of overhead signs or signals, clearance must be obtained from the district engineer involved before the permit is granted.

(3) Length: Local consideration will determine the length limitation of buildings.

(4) Pilot cars: The same requirements apply to buildings as to any overlegal load.

(5) Speed: Maximum speed shall not exceed twenty-five miles per hour. If overhead obstructions are involved, a slower speed will be required to insure safe passage.

(6) Hard rubber-tired dollies: No permit will be granted for dollies equipped with hard rubber or solid-cushion rubber tires.

(7) Movement of buildings over 14 feet in width on two-lane state highways may be permitted under the following conditions:

(a) Uninterrupted vehicular traffic shall be maintained in one direction at all times:

(b) Maximum distance of movement shall not exceed five miles. Additional contiguous permits shall not be issued to exceed the five mile limit. PROVIDED, That when in the opinion of the department of transportation, a hardship would result, this limitation may be exceeded upon the approval of the department. RCW 46.44.092.

(c) Prior to issuing a permit, a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed in this section shall be complied

with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement.

(d) Special escort and other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made.) (1) The section of State Route 5 through the city of Seattle described in subparagraphs (a) and (b) herein, shall be used exclusively by rubber tired buses designated and operated by metro and three or more person car pools. All other traffic is prohibited from the use of these sections which shall be posted with proper signing, pavement marking, and traffic control devices installed in conformance with applicable requirements of the Manual on Uniform Traffic Control Devices.

(a) The entire reversible roadway exit-entrance on State Route 5 (Interstate 5) which serves Cherry Street and Columbia Street in Seattle. This entrance begins at the bifurcation of the lane serving the southerly reversible connection to the freeway mainline and the lane serving the Cherry-Columbia connection, reversible lane Mile Post 165.59, and extends southerly on the ramp roadway to its intersections on Fifth Avenue with both Columbia Street and Cherry Street.

(b) The most easterly lane of the reversible roadway in the southbound direction only from the Cherry-Columbia ramp exit, reversible roadway Mile Post 165.59, northerly 1.62 miles to reversible roadway Mile Post 167.21.

(2) The channelization of designated bus and three or more person car pool traffic exclusively into the defined sections of the easterly reversible lane and Cherry-Columbia ramp shall be in effect at all times. The westerly lanes of the reversible roadway from Mile Post 165.59 to Mile Post 167.21, as well as all other portions of the roadway not specifically restricted herein, shall remain open to all motor vehicle traffic.

(3) The following facilities shall be restricted on those days and during those hours indicated by official traffic control devices:

(a) The westbound shoulder of SR 520 from 0.14 mile east of 76th Ave. undercrossing, milepost 4.22, to 108th Ave. N.E. westbound off-ramp, milepost 6.42, a distance of 2.20 miles, is reserved for the exclusive use of transit buses and three or more person carpools on weekdays only from 6:30 a.m. to 9:30 a.m.

(b) The southbound lanes of the Pike Street ramp from milepost 165.97 to milepost 166.13 is reserved for the exclusive use of transit buses and three or more person carpools.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 468-38-380 SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS CONSTRUCTION EQUIPMENT.

(2) WAC 468-38-450 SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS—TRIPLE SADDLEMOUNTS.

(3) WAC 468-38-460 FARM IMPLEMENTS.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

AMD = Amendment of existing section
NEW = New section not previously codified
REP = Repeal of existing section
AM/DE = Amendment and Decodification of existing section
RECOD = Recodification of previously codified section
REMOV = Removal of rule pursuant to RCW 34.04.050(5)
RES = Restoration of section to previous form
REVIEW = Review of previously adopted rule

Suffixes:

-P = Proposed action
-C = Continuance of previous proposal
-E = Emergency action
-W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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1-12-020	AMD-P 82-11-091	1-13-210	AMD 82-13-099	16-304-130	AMD 82-10-067
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1-12-030	AMD-P 82-11-091	1-13-220	REP 82-13-099	16-316-0011	REP 82-08-033
1-12-030	AMD 82-13-099	1-13-910	AMD-P 82-11-091	16-316-0016	REP-P 82-04-082
1-12-032	AMD-P 82-11-091	1-13-910	AMD 82-13-099	16-316-0016	REP 82-08-033
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1-12-033	AMD-P 82-11-091	1-13-930	AMD 82-13-099	16-316-0019	REP 82-08-033
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132N-156-205	NEW	82-07-031	132T-104-270	AMD	82-12-056
132N-156-205	NEW-E	82-07-032	132T-104-280	AMD-P	82-06-024
132N-156-210	REP	82-07-031	132T-104-280	AMD	82-12-056
132N-156-210	REP-E	82-07-032	132Y-125-004	NEW-P	82-05-039
132Q-89-010	NEW-P	82-08-018	132Y-125-004	NEW	82-10-013
132Q-89-010	NEW-C	82-11-064	132Y-136-001	NEW	82-04-018
132Q-89-010	NEW-C	82-13-063	132Y-136-101	NEW	82-04-018
132R-128-010	REP-P	82-08-043	132Y-136-201	NEW	82-04-018
132R-128-020	REP-P	82-08-043	132Y-136-204	NEW	82-04-018
132R-128-030	REP-P	82-08-043	132Y-136-208	NEW	82-04-018
132R-128-040	REP-P	82-08-043	132Y-136-212	NEW	82-04-018
132R-128-050	REP-P	82-08-043	132Y-136-216	NEW	82-04-018
132R-128-060	REP-P	82-08-043	132Y-136-220	NEW	82-04-018
132R-128-070	REP-P	82-08-043	132Y-136-224	NEW	82-04-018
132R-128-080	REP-P	82-08-043	132Y-136-228	NEW	82-04-018
132R-128-090	REP-P	82-08-043	132Y-136-236	NEW	82-04-018
132R-128-100	REP-P	82-08-043	132Y-136-304	NEW	82-04-018
132R-128-110	REP-P	82-08-043	132Y-136-401	NEW	82-04-018
132R-128-120	REP-P	82-08-043	132Y-136-404	NEW	82-04-018
132R-128-121	REP-P	82-08-043	132Y-136-501	NEW	82-04-018
132R-128-122	REP-P	82-08-043	132Y-136-540	NEW	82-04-018
132R-128-130	REP-P	82-08-043	137-04-010	NEW	82-04-023
132R-130-010	NEW-P	82-09-040	137-04-015	NEW	82-04-023
132R-130-010	NEW	82-14-075	137-04-020	NEW	82-04-023
132R-180-010	REP-P	82-08-043	137-04-030	NEW	82-04-023
132R-180-020	REP-P	82-08-043	137-08-010	NEW	82-04-023
132R-180-030	REP-P	82-08-043	137-08-020	NEW	82-04-023
132R-180-040	REP-P	82-08-043	137-08-060	NEW	82-04-023
132R-180-050	REP-P	82-08-043	137-08-070	NEW	82-04-023
132R-180-060	REP-P	82-08-043	137-08-080	NEW	82-04-023
132R-180-070	REP-P	82-08-043	137-08-090	NEW	82-04-023
132R-180-080	REP-P	82-08-043	137-08-100	NEW	82-04-023
132R-180-090	REP-P	82-08-043	137-08-110	NEW	82-04-023
132T-05-020	AMD-P	82-02-046	137-08-120	NEW	82-04-023
132T-05-020	AMD	82-07-011	137-08-130	NEW	82-04-023
132T-05-030	AMD-P	82-02-046	137-08-140	NEW	82-04-023
132T-05-030	AMD	82-07-011	137-08-150	NEW	82-04-023
132T-05-040	AMD-P	82-02-046	137-08-160	NEW	82-04-023
132T-05-040	AMD	82-07-011	137-08-170	NEW	82-04-023
132T-05-050	AMD-P	82-02-046	137-08-180	NEW	82-04-023
					137-58-030
					NEW-P
					82-03-013
					82-03-014
					82-07-067
					82-03-013
					82-03-014

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
137-58-030	NEW-E	82-03-014	137-70-050	NEW-E	82-14-033
137-58-030	NEW	82-07-067	137-70-060	NEW-P	82-14-030
137-58-040	NEW-P	82-03-013	137-70-060	NEW-E	82-14-033
137-58-040	NEW-E	82-03-014	137-70-070	NEW-P	82-14-030
137-58-040	NEW	82-07-067	137-70-070	NEW-E	82-14-033
137-60	NEW-P	82-03-015	137-70-080	NEW-P	82-14-030
137-60	NEW-E	82-03-016	137-70-080	NEW-E	82-14-033
137-60-010	NEW-P	82-03-015	137-80-010	NEW-P	82-14-032
137-60-010	NEW-E	82-03-016	137-80-020	NEW-P	82-14-032
137-60-010	NEW	82-07-006	137-80-030	NEW-P	82-14-032
137-60-020	NEW-P	82-03-015	137-80-040	NEW-P	82-14-032
137-60-020	NEW-E	82-03-016	137-80-050	NEW-P	82-14-032
137-60-020	NEW	82-07-006	137-80-060	NEW-P	82-14-032
137-60-030	NEW-P	82-03-015	139-36-010	REP-P	82-04-065
137-60-030	NEW-E	82-03-016	139-36-010	REP	82-07-051
137-60-030	NEW	82-07-006	139-36-020	NEW-P	82-04-066
137-60-040	NEW-P	82-03-015	139-36-020	NEW	82-07-052
137-60-040	NEW-E	82-03-016	139-36-030	NEW-P	82-04-066
137-60-040	NEW	82-07-006	139-36-030	NEW	82-07-052
137-60-045	NEW-P	82-03-015	139-36-031	NEW-P	82-04-066
137-60-045	NEW-E	82-03-016	139-36-031	NEW	82-07-052
137-60-045	NEW	82-07-006	139-36-032	NEW-P	82-04-066
137-60-050	NEW-P	82-03-015	139-36-032	NEW	82-07-052
137-60-050	NEW-E	82-03-016	139-36-033	NEW-P	82-04-066
137-60-050	NEW	82-07-006	139-36-033	NEW	82-07-052
137-60-060	NEW-P	82-03-015	139-36-034	NEW-P	82-04-066
137-60-060	NEW-E	82-03-016	139-36-034	NEW	82-07-052
137-60-060	NEW	82-07-006	139-36-040	NEW-P	82-04-066
137-60-070	NEW-P	82-03-015	139-36-040	NEW	82-07-052
137-60-070	NEW-E	82-03-016	139-36-041	NEW-P	82-04-066
137-60-070	NEW	82-07-006	139-36-041	NEW	82-07-052
137-60-080	NEW-P	82-03-015	139-36-050	NEW-P	82-04-066
137-60-080	NEW-E	82-03-016	139-36-050	NEW	82-07-052
137-60-080	NEW	82-07-006	139-36-051	NEW-P	82-04-066
137-60-090	NEW-P	82-03-015	139-36-051	NEW	82-07-052
137-60-090	NEW-E	82-03-016	139-36-060	NEW-P	82-04-066
137-60-090	NEW	82-07-006	139-36-060	NEW	82-07-052
137-60-100	NEW-P	82-03-015	139-36-061	NEW-P	82-04-066
137-60-100	NEW-E	82-03-016	139-36-061	NEW	82-07-052
137-60-100	NEW	82-07-006	139-50-010	NEW-P	82-03-047
137-60-110	NEW-P	82-03-015	139-50-010	NEW	82-07-053
137-60-110	NEW-E	82-03-016	154	NEW-C	82-12-027
137-60-110	NEW	82-07-006	154-01	NEW-C	82-08-054
137-60-120	NEW-P	82-03-015	154-01-010	NEW-E	82-04-017
137-60-120	NEW-E	82-03-016	154-01-010	NEW-E	82-10-005
137-60-120	NEW	82-07-006	154-01-010	NEW	82-13-043
137-60-130	NEW-P	82-03-015	154-04	NEW-C	82-08-054
137-60-130	NEW-E	82-03-016	154-04-010	NEW-E	82-04-017
137-60-130	NEW	82-07-006	154-04-010	NEW-E	81-10-005
137-60-140	NEW-P	82-03-015	154-04-010	NEW	82-13-043
137-60-140	NEW-E	82-03-016	154-04-020	NEW-E	82-04-017
137-60-140	NEW	82-07-006	154-04-020	NEW-E	81-10-005
137-65-010	NEW-P	82-14-031	154-04-020	NEW	82-13-043
137-65-010	NEW-E	82-14-034	154-04-030	NEW-E	82-04-017
137-65-020	NEW-P	82-14-031	154-04-030	NEW-E	81-10-005
137-65-020	NEW-E	82-14-034	154-04-030	NEW	82-13-043
137-65-030	NEW-P	82-14-031	154-04-040	NEW-E	82-04-017
137-65-030	NEW-E	82-14-034	154-04-040	NEW-E	81-10-005
137-65-040	NEW-P	82-14-031	154-04-040	NEW	82-13-043
137-65-040	NEW-E	82-14-034	154-04-050	NEW-E	82-04-017
137-65-050	NEW-P	82-14-031	154-04-050	NEW-E	81-10-005
137-65-050	NEW-E	82-14-034	154-04-050	NEW	82-13-043
137-65-060	NEW-P	82-14-031	154-04-060	NEW-E	81-10-005
137-65-060	NEW-E	82-14-034	154-04-060	NEW-E	82-04-017
137-65-070	NEW-P	82-14-031	154-04-060	NEW	82-13-043
137-65-070	NEW-E	82-14-034	154-04-070	NEW-E	82-04-017
137-65-080	NEW-P	82-14-031	154-04-070	NEW-E	81-10-005
137-65-080	NEW-E	82-14-034	154-04-070	NEW	82-13-043
137-70-010	NEW-P	82-14-030	154-04-080	NEW-E	82-04-017
137-70-010	NEW-E	82-14-033	154-04-080	NEW-E	81-10-005
137-70-020	NEW-P	82-14-030	154-04-080	NEW	82-13-043
137-70-020	NEW-E	82-14-033	154-04-090	NEW-E	82-04-017
137-70-030	NEW-P	82-14-030	154-04-090	NEW-E	81-10-005
137-70-030	NEW-E	82-14-033	154-04-090	NEW	82-13-043
137-70-040	NEW-P	82-14-030	154-04-100	NEW-E	82-04-017
137-70-040	NEW-E	82-14-033	154-04-100	NEW-E	81-10-005
137-70-050	NEW-P	82-14-030	154-04-100	NEW	82-13-043

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
154-32-010	NEW-E	82-10-005	162-26-120	NEW-P	82-12-053
154-32-010	NEW	82-13-043	162-26-130	NEW-P	82-12-053
154-32-020	NEW-E	82-04-017	162-38-010	NEW-P	82-12-053
154-32-020	NEW-E	82-10-005	162-38-020	NEW-P	82-12-053
154-32-020	NEW	82-13-043	162-38-030	NEW-P	82-12-053
154-36	NEW-C	82-08-054	162-38-035	NEW-P	82-12-053
154-36-010	NEW-E	82-04-017	162-38-040	NEW-P	82-12-053
154-36-010	NEW-E	82-10-005	162-38-050	NEW-P	82-12-053
154-36-010	NEW	82-13-043	162-38-060	NEW-P	82-12-053
154-40	NEW-C	82-08-054	162-38-070	NEW-P	82-12-053
154-40-010	NEW-E	82-04-017	162-38-080	NEW-P	82-12-053
154-40-010	NEW-E	82-10-005	162-38-090	NEW-P	82-12-053
154-40-010	NEW	82-13-043	162-38-100	NEW-P	82-12-053
154-44	NEW-C	82-08-054	162-38-110	NEW-P	82-12-053
154-44-010	NEW-E	82-04-017	162-38-120	NEW-P	82-12-053
154-44-010	NEW-E	82-10-005	167-04-010	REP-P	82-07-084
154-44-010	NEW	82-13-043	167-04-030	REP-P	82-07-084
154-48	NEW-C	82-08-054	167-04-050	REP-P	82-07-084
154-48-010	NEW-E	82-04-017	167-06-010	REP-P	82-07-084
154-48-010	NEW-E	82-10-005	167-06-020	REP-P	82-07-084
154-48-010	NEW	82-13-043	167-08-010	REP-P	82-07-084
154-52	NEW-C	82-08-054	172-116-010	AMD	82-07-038
154-52-010	NEW-E	82-04-017	172-116-015	NEW	82-07-038
154-52-010	NEW-E	82-10-005	172-116-020	AMD	82-07-038
154-52-010	NEW	82-13-043	172-116-030	AMD	82-07-038
154-56	NEW-C	82-08-054	172-116-040	AMD	82-07-038
154-56-010	NEW-E	82-04-017	172-116-050	AMD	82-07-038
154-56-010	NEW-E	82-10-005	172-116-060	AMD	82-07-038
154-56-010	NEW	82-13-043	172-116-080	AMD	82-07-038
154-60	NEW-C	82-08-054	172-116-090	AMD	82-07-038
154-60-010	NEW-E	82-04-017	172-116-100	REP	82-07-038
154-60-010	NEW-E	82-10-005	172-116-110	AMD	82-07-038
154-60-010	NEW	82-13-043	172-116-120	REP	82-07-038
154-64	NEW-C	82-08-054	172-116-130	AMD	82-07-038
154-64-010	NEW-E	82-04-017	172-116-140	AMD	82-07-038
154-64-010	NEW-E	82-10-005	172-116-150	AMD	82-07-038
154-64-010	NEW	82-13-043	172-116-160	AMD	82-07-038
154-64-020	NEW-E	82-04-017	172-116-170	AMD	82-07-038
154-64-020	NEW-E	82-10-005	172-116-175	AMD	82-07-038
154-64-020	NEW	82-13-043	172-116-185	REP	82-07-038
154-64-030	NEW-E	82-04-017	172-116-190	AMD	82-07-038
154-64-030	NEW-E	82-10-005	172-116-200	AMD	82-07-038
154-64-030	NEW	82-13-043	172-116-210	AMD	82-07-038
154-64-040	NEW-E	82-04-017	172-116-220	AMD	82-07-038
154-64-040	NEW-E	82-10-005	172-116-230	AMD	82-07-038
154-64-040	NEW	82-13-043	172-116-240	AMD	82-07-038
154-64-050	NEW-E	82-04-017	172-116-250	AMD	82-07-038
154-64-050	NEW-E	82-10-005	172-116-260	AMD	82-07-038
154-64-050	NEW	82-13-043	172-116-270	AMD	82-07-038
154-64-060	NEW-E	82-04-017	172-116-280	AMD	82-07-038
154-64-060	NEW-E	82-10-005	172-116-300	AMD	82-07-038
154-64-060	NEW	82-13-043	172-116-310	AMD	82-07-038
154-68	NEW-C	82-08-054	172-116-315	AMD	82-07-038
154-68-010	NEW-E	82-04-017	172-116-320	AMD	82-07-038
154-68-010	NEW-E	82-10-005	172-116-330	AMD	82-07-038
154-68-010	NEW	82-13-043	172-116-340	AMD	82-07-038
154-68-020	NEW-E	82-04-017	172-116-345	NEW	82-07-038
154-68-020	NEW-E	82-10-005	172-168-010	AMD	82-07-064
154-68-020	NEW	82-13-043	172-168-020	AMD	82-07-064
162-06-010	NEW-P	82-12-053	172-168-060	AMD	82-07-064
162-06-030	NEW-P	82-12-053	172-168-070	AMD	82-07-064
162-16-160	NEW-P	82-08-070	172-168-080	AMD	82-07-064
162-16-160	NEW-C	82-12-023	172-168-090	AMD	82-07-064
162-16-170	NEW-P	82-08-070	172-168-100	AMD	82-07-064
162-16-170	NEW-C	82-12-023	172-168-110	AMD	82-07-064
162-26-010	NEW-P	82-12-053	172-168-120	AMD	82-07-064
162-26-020	NEW-P	82-12-053	172-168-130	AMD	82-07-064
162-26-030	NEW-P	82-12-053	173-03-030	AMD-P	82-13-107
162-26-035	NEW-P	82-12-053	173-03-060	AMD-P	82-13-107
162-26-040	NEW-P	82-12-053	173-19-160	AMD	82-05-017
162-26-050	NEW-P	82-12-053	173-19-160	AMD-P	82-08-075
162-26-060	NEW-P	82-12-053	173-19-160	AMD	82-11-105
162-26-070	NEW-P	82-12-053	173-19-2102	AMD-P	82-13-106
162-26-080	NEW-P	82-12-053	173-19-240	AMD-P	82-13-106
162-26-090	NEW-P	82-12-053	173-19-250	AMD	82-05-018
162-26-100	NEW-P	82-12-053	173-19-2521	AMD	82-02-079
162-26-110	NEW-P	82-12-053	173-19-2524	AMD-P	82-08-075

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
173-130-155	REP-P	82-10-073	173-302-040	REP	82-05-023
173-130-160	REP-P	82-10-073	173-302-050	REP	82-05-023
173-130-170	REP-P	82-10-073	173-302-060	REP	82-05-023
173-130-180	REP-P	82-10-073	173-302-070	REP	82-05-023
173-130-190	REP-P	82-10-073	173-302-080	REP	82-05-023
173-130-195	REP-P	82-10-073	173-302-090	REP	82-05-023
173-130-200	REP-P	82-10-073	173-302-100	REP	82-05-023
173-130A	NEW-C	82-14-040	173-302-110	REP	82-05-023
173-130A-010	NEW-P	82-10-073	173-302-120	REP	82-05-023
173-130A-020	NEW-P	82-10-073	173-302-130	REP	82-05-023
173-130A-030	NEW-P	82-10-073	173-302-140	REP	82-05-023
173-130A-040	NEW-P	82-10-073	173-302-150	REP	82-05-023
173-130A-050	NEW-P	82-10-073	173-302-160	REP	82-05-023
173-130A-060	NEW-P	82-10-073	173-302-165	REP	82-05-023
173-130A-070	NEW-P	82-10-073	173-302-170	REP	82-05-023
173-130A-080	NEW-P	82-10-073	173-302-180	REP	82-05-023
173-130A-090	NEW-P	82-10-073	173-302-190	REP	82-05-023
173-130A-100	NEW-P	82-10-073	173-302-200	REP	82-05-023
173-130A-110	NEW-P	82-10-073	173-302-210	REP	82-05-023
173-130A-120	NEW-P	82-10-073	173-302-220	REP	82-05-023
173-130A-130	NEW-P	82-10-073	173-302-230	REP	82-05-023
173-130A-140	NEW-P	82-10-073	173-302-240	REP	82-05-023
173-130A-150	NEW-P	82-10-073	173-302-250	REP	82-05-023
173-130A-160	NEW-P	82-10-073	173-302-260	REP	82-05-023
173-130A-170	NEW-P	82-10-073	173-302-270	REP	82-05-023
173-130A-180	NEW-P	82-10-073	173-302-280	REP	82-05-023
173-130A-190	NEW-P	82-10-073	173-302-290	REP	82-05-023
173-130A-200	NEW-P	82-10-073	173-302-300	REP	82-05-023
173-130A-210	NEW-P	82-10-073	173-302-310	REP	82-05-023
173-201-010	AMD-P	82-06-056	173-302-320	REP	82-05-023
173-201-010	AMD	82-12-078	173-302-330	REP	82-05-023
173-201-020	REP-P	82-06-056	173-302-340	REP	82-05-023
173-201-020	REP	82-12-078	173-302-350	REP	82-05-023
173-201-025	AMD-P	82-06-056	173-302-360	REP	82-05-023
173-201-025	AMD	82-12-078	173-302-370	REP	82-05-023
173-201-035	AMD-P	82-06-056	173-302-380	REP	82-05-023
173-201-035	AMD	82-12-078	173-302-390	REP	82-05-023
173-201-045	AMD-P	82-06-056	173-303	AMD-C	82-04-046
173-201-045	AMD	82-12-078	173-303-010	NEW	82-05-023
173-201-050	REP-P	82-06-056	173-303-020	NEW	82-05-023
173-201-050	REP	82-12-078	173-303-030	NEW	82-05-023
173-201-070	AMD-P	82-06-056	173-303-040	NEW	82-05-023
173-201-070	AMD	82-12-078	173-303-045	NEW	82-05-023
173-201-080	AMD-P	82-06-056	173-303-050	NEW	82-05-023
173-201-080	AMD	82-12-078	173-303-060	NEW	82-05-023
173-201-085	AMD-P	82-06-056	173-303-070	NEW	82-05-023
173-201-085	AMD	82-12-078	173-303-071	NEW	82-05-023
173-201-090	AMD-P	82-06-056	173-303-075	NEW	82-05-023
173-201-090	AMD	82-12-078	173-303-080	NEW	82-05-023
173-201-120	AMD-P	82-06-056	173-303-081	NEW	82-05-023
173-201-120	AMD	82-12-078	173-303-082	NEW	82-05-023
173-201-140	REP-P	82-06-056	173-303-083	NEW	82-05-023
173-201-140	REP	82-12-078	173-303-084	NEW	82-05-023
173-230-010	AMD-P	82-05-055	173-303-090	NEW	82-05-023
173-230-010	AMD	82-09-056	173-303-100	NEW	82-05-023
173-230-020	AMD-P	82-05-055	173-303-101	NEW	82-05-023
173-230-020	AMD	82-09-056	173-303-102	NEW	82-05-023
173-230-040	AMD-P	82-05-055	173-303-103	NEW	82-05-023
173-230-040	AMD	82-09-056	173-303-104	NEW	82-05-023
173-230-050	AMD-P	82-05-055	173-303-110	NEW	82-05-023
173-230-050	AMD	82-09-056	173-303-120	NEW	82-05-023
173-230-060	REP-P	82-05-055	173-303-130	NEW	82-05-023
173-230-060	REP	82-09-056	173-303-140	NEW	82-05-023
173-230-061	NEW-P	82-05-055	173-303-141	NEW	82-05-023
173-230-061	NEW	82-09-056	173-303-145	NEW	82-05-023
173-230-070	AMD-P	82-05-055	173-303-150	NEW	82-05-023
173-230-070	AMD	82-09-056	173-303-160	NEW	82-05-023
173-230-080	AMD-P	82-05-055	173-303-170	NEW	82-05-023
173-230-080	AMD	82-09-056	173-303-180	NEW	82-05-023
173-230-100	AMD-P	82-05-055	173-303-190	NEW	82-05-023
173-230-100	AMD	82-09-056	173-303-200	NEW	82-05-023
173-230-110	AMD-P	82-05-055	173-303-210	NEW	82-05-023
173-230-110	AMD	82-09-056	173-303-220	NEW	82-05-023
173-302	REP-C	82-04-046	173-303-230	NEW	82-05-023
173-302-010	REP	82-05-023	173-303-240	NEW	82-05-023
173-302-020	REP	82-05-023	173-303-250	NEW	82-05-023
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192-16-009	AMD-P	82-13-058	204-56-020	REP	82-11-040
192-16-016	NEW-P	82-13-058	204-56-025	NEW-P	82-06-041
192-16-016	NEW-E	82-13-059	204-56-025	NEW	82-11-040
192-16-019	AMD-P	82-13-058	204-56-030	REP-P	82-06-041
192-16-036	AMD-P	82-13-058	204-56-030	REP	82-11-040
192-16-036	AMD-E	82-13-059	204-56-035	NEW-P	82-06-041
192-16-040	AMD-P	82-13-058	204-56-035	NEW	82-11-040
192-16-040	AMD-E	82-13-059	204-56-040	REP-P	82-06-041
192-16-042	AMD-P	82-13-058	204-56-040	REP	82-11-040
192-16-042	AMD-E	82-13-059	204-56-045	NEW-P	82-06-041
192-16-045	AMD-P	82-13-058	204-56-045	NEW	82-11-040
192-16-045	AMD-E	82-13-059	204-56-050	REP-P	82-06-041
192-16-047	AMD-P	82-13-058	204-56-050	REP	82-11-040
192-16-047	AMD-E	82-13-059	204-56-055	NEW-P	82-06-041
192-16-050	NEW-P	82-09-063	204-56-055	NEW	82-11-040
192-16-050	NEW-E	82-09-064	204-56-065	NEW-P	82-06-041
192-16-050	NEW-C	82-13-056	204-56-065	NEW	82-11-040
192-16-050	NEW	82-13-057	204-56-075	NEW-P	82-06-041
192-16-051	NEW-P	82-13-058	204-56-075	NEW	82-11-040
192-16-051	NEW-E	82-13-059	204-56-085	NEW-P	82-06-041
192-16-055	NEW-P	82-13-058	204-56-085	NEW	82-11-040
192-16-055	NEW-E	82-13-059	204-56-99001	NEW-P	82-06-041
192-18-050	AMD-E	82-03-054	204-56-99001	NEW	82-11-040
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194-10-030	AMD-P	82-13-044	204-56-99002	NEW	82-11-040
194-10-040	AMD-P	82-13-044	204-56-99003	NEW-P	82-06-041
194-10-050	AMD-P	82-13-044	204-56-99003	NEW	82-11-040
194-10-060	AMD-P	82-13-044	204-56-99004	NEW-P	82-06-041
194-10-090	AMD-P	82-13-044	204-56-99004	NEW	82-11-040
194-10-100	AMD-P	82-13-044	204-56-99005	NEW-P	82-06-041
194-10-120	AMD-P	82-13-044	204-56-99005	NEW	82-11-040
194-10-130	AMD-P	82-13-044	204-56-99006	NEW-P	82-06-041
194-10-140	AMD-P	82-13-044	204-56-99006	NEW	82-11-040
194-12-010	AMD-P	82-13-044	204-56-99007	NEW-P	82-06-041
194-12-060	AMD-P	82-13-044	204-56-99007	NEW	82-11-040
194-12-070	AMD-P	82-13-044	204-56-99008	NEW-P	82-06-041
194-12-080	AMD-P	82-13-044	204-56-99008	NEW	82-11-040
194-16-010	NEW-E	82-07-087	204-56-99009	NEW-P	82-06-041
194-16-010	NEW-P	82-07-088	204-56-99009	NEW	82-11-040
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194-16-020	NEW-E	82-07-087	204-56-99010	NEW	82-11-040
194-16-020	NEW-P	82-07-088	204-56-99011	NEW-P	82-06-041
194-16-020	NEW	82-11-005	204-56-99011	NEW	82-11-040
194-16-030	NEW-E	82-07-087	204-56-99012	NEW-P	82-06-041
194-16-030	NEW-P	82-07-088	204-56-99012	NEW	82-11-040
194-16-030	NEW	82-11-005	204-56-99013	NEW-P	82-06-041
194-16-040	NEW-E	82-07-087	204-56-99013	NEW	82-11-040
194-16-040	NEW-P	82-07-088	204-70-040	AMD-E	82-04-047
194-16-040	NEW	82-11-005	204-70-040	AMD-E	82-11-041
194-16-050	NEW-E	82-07-087	204-70-040	AMD-P	82-11-042
194-16-050	NEW-P	82-07-088	204-70-100	AMD-E	82-04-047
194-16-050	NEW	82-11-005	204-70-100	AMD-E	82-11-041
194-16-060	NEW-E	82-07-087	204-70-100	AMD-P	82-11-042
194-16-060	NEW-P	82-07-088	204-70-110	NEW-E	82-11-041
194-16-060	NEW	82-11-005	204-70-110	NEW-P	82-11-042
194-16-070	NEW-E	82-07-087	204-70-120	AMD-E	82-04-047
194-16-070	NEW-P	82-07-088	204-70-120	REP-E	82-11-041
194-16-070	NEW	82-11-005	204-70-120	REP-P	82-11-042
204-10-080	AMD-P	82-11-050	204-88-010	NEW-E	82-11-043
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204-22-020	NEW-P	82-11-051	204-88-020	NEW-E	82-11-043
204-22-030	NEW-P	82-11-051	204-88-020	NEW-P	82-11-044
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204-22-050	NEW-P	82-11-051	204-88-030	NEW-P	82-11-044
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204-24-040	AMD-E	82-04-048	204-88-050	NEW-E	82-11-043
204-24-040	AMD-P	82-04-049	204-88-050	NEW-P	82-11-044
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204-24-050	AMD-P	82-04-049	204-88-070	NEW-E	82-11-043
204-24-050	AMD	82-11-045	204-88-070	NEW-P	82-11-044
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220-16-315	AMD	82-14-056	220-36-022	AMD-C	82-13-041
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220-16-340	AMD	82-07-047	220-36-024	AMD	82-13-048
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220-20-010	AMD-C	82-06-023	220-40-021	AMD-C	82-13-041
220-20-010	AMD-C	82-07-044	220-40-021	AMD	82-13-048
220-20-010	AMD	82-07-047	220-40-022	AMD-P	82-10-078
220-20-010	AMD-P	82-12-079	220-40-022	AMD-C	82-13-041
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220-22-020	AMD-C	82-13-041	220-44-030	AMD-C	82-13-085
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220-28-086NOA	REP-E	82-12-009	220-48-005	NEW-C	82-13-085
220-28-086N0B	NEW-E	82-12-009	220-48-005	NEW	82-14-056
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220-28-086N0C	NEW-E	82-12-047	220-48-011	NEW-C	82-13-085
220-28-086N0C	REP-E	82-13-007	220-48-011	NEW	82-14-056
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220-28-202	REP-E	82-13-061	220-48-017	NEW-C	82-13-085
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260-997	REP-C	82-06-032	275-38-020	NEW-E	82-10-032
260-997	REP	82-09-016	275-38-025	NEW-P	82-09-071
263-12-015	AMD	82-03-031	275-38-025	NEW-E	82-10-032
263-12-016	AMD	82-03-031	275-38-030	NEW-P	82-09-071
263-12-020	AMD	82-03-031	275-38-030	NEW-E	82-10-032
263-12-045	AMD	82-03-031	275-38-035	NEW-P	82-09-071
263-12-050	AMD	82-03-031	275-38-035	NEW-E	82-10-032
263-12-053	AMD	82-03-031	275-38-040	NEW-P	82-09-071
263-12-056	AMD	82-03-031	275-38-040	NEW-E	82-10-032
263-12-060	AMD	82-03-031	275-38-045	NEW-P	82-09-071
263-12-065	AMD	82-03-031	275-38-045	NEW-E	82-10-032
263-12-090	AMD	82-03-031	275-38-050	NEW-P	82-09-071
263-12-093	AMD	82-03-031	275-38-050	NEW-E	82-10-032
263-12-095	AMD	82-03-031	275-38-055	NEW-P	82-09-071
263-12-100	AMD	82-03-031	275-38-055	NEW-E	82-10-032
263-12-115	AMD	82-03-031	275-38-060	NEW-P	82-09-071
263-12-120	AMD	82-03-031	275-38-060	NEW-E	82-10-032
263-12-125	AMD	82-03-031	275-38-065	NEW-P	82-09-071
263-12-145	AMD	82-03-031	275-38-065	NEW-E	82-10-032
263-12-165	AMD	82-03-031	275-38-075	NEW-P	82-09-071
263-12-175	AMD	82-03-031	275-38-075	NEW-E	82-10-032
275-16-030	AMD-E	82-14-068	275-38-080	NEW-P	82-09-071
275-16-030	AMD-P	82-14-072	275-38-080	NEW-E	82-10-032
275-25-520	AMD-P	82-02-054	275-38-510	NEW-P	82-09-071
275-25-520	AMD-E	82-02-056	275-38-510	NEW-E	82-10-032
275-25-520	AMD	82-06-034	275-38-515	NEW-P	82-09-071
275-25-527	NEW-P	82-02-054	275-38-515	NEW-E	82-10-032
275-25-527	NEW-E	82-02-056	275-38-520	NEW-P	82-09-071
275-25-527	NEW	82-06-034	275-38-520	NEW-E	82-10-032
275-27-230	AMD-P	82-02-054	275-38-525	NEW-P	82-09-071
275-27-230	AMD-E	82-02-056	275-38-525	NEW-E	82-10-032
275-27-230	AMD	82-06-034	275-38-530	NEW-P	82-09-071
275-27-600	REP-P	82-02-054	275-38-530	NEW-E	82-10-032
275-27-600	REP-E	82-02-056	275-38-535	NEW-P	82-09-071
275-27-600	REP	82-06-034	275-38-535	NEW-E	82-10-032
275-27-605	REP-P	82-02-054	275-38-540	NEW-P	82-09-071
275-27-605	REP-E	82-02-056	275-38-540	NEW-E	82-10-032
275-27-605	REP	82-06-034	275-38-545	NEW-P	82-09-071
275-27-610	REP-P	82-02-054	275-38-545	NEW-E	82-10-032
275-27-610	REP-E	82-02-056	275-38-550	NEW-P	82-09-071
275-27-610	REP	82-06-034	275-38-550	NEW-E	82-10-032
275-27-615	REP-P	82-02-054	275-38-550	NEW-P	82-09-071
275-27-615	REP-E	82-02-056	275-38-555	NEW-E	82-10-032
275-27-615	REP	82-06-034	275-38-555	NEW-P	82-09-071
275-27-620	REP-P	82-02-054	275-38-560	NEW-E	82-10-032
275-27-620	REP-E	82-02-056	275-38-565	NEW-P	82-09-071
275-27-620	REP	82-06-034	275-38-565	NEW-E	82-10-032
275-27-630	REP-P	82-02-054	275-38-570	NEW-P	82-09-071
275-27-630	REP-E	82-02-056	275-38-570	NEW-E	82-10-032
275-27-630	REP	82-06-034	275-38-575	NEW-P	82-09-071
275-27-635	REP-P	82-02-054	275-38-575	NEW-E	82-10-032
275-27-635	REP-E	82-02-056	275-38-580	NEW-P	82-09-071
275-27-635	REP	82-06-034	275-38-580	NEW-E	82-10-032
275-27-640	REP-P	82-02-054	275-38-585	NEW-P	82-09-071
275-27-640	REP-E	82-02-056	275-38-585	NEW-E	82-10-032
275-27-640	REP	82-06-034	275-38-590	NEW-P	82-09-071
275-27-660	REP-P	82-02-054	275-38-590	NEW-E	82-10-032
275-27-660	REP-E	82-02-056	275-38-595	NEW-P	82-09-071
275-27-660	REP	82-06-034	275-38-595	NEW-E	82-10-032
275-27-665	REP-P	82-02-054	275-38-600	NEW-P	82-09-071
275-27-665	REP-E	82-02-056	275-38-600	NEW-E	82-10-032
275-27-665	REP	82-06-034	275-38-605	NEW-P	82-09-071
275-27-680	REP-P	82-02-054	275-38-605	NEW-E	82-10-032
275-27-680	REP-E	82-02-056	275-38-610	NEW-P	82-09-071
275-27-680	REP	82-06-034	275-38-610	NEW-E	82-10-032
275-27-685	REP-P	82-02-054	275-38-615	NEW-P	82-09-071
275-27-685	REP-E	82-02-056	275-38-615	NEW-E	82-10-032
275-27-685	REP	82-06-034	275-38-620	NEW-P	82-09-071
275-38-001	NEW-P	82-09-071	275-38-620	NEW-E	82-10-032
275-38-001	NEW-E	82-10-032	275-38-625	NEW-P	82-09-071
275-38-005	NEW-P	82-09-071	275-38-625	NEW-E	82-10-032
275-38-005	NEW-E	82-10-032	275-38-630	NEW-P	82-09-071
275-38-007	NEW-P	82-09-071	275-38-630	NEW-E	82-10-032

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
275-38-812	NEW-E	82-10-032	275-55-061	REP	82-07-024
275-38-815	NEW-P	82-09-071	275-55-070	REP	82-07-024
275-38-815	NEW-E	82-10-032	275-55-071	NEW	82-07-024
275-38-820	NEW-P	82-09-071	275-55-080	REP	82-07-024
275-38-820	NEW-E	82-10-032	275-55-081	NEW	82-07-024
275-38-830	NEW-P	82-09-071	275-55-090	AMD	82-07-024
275-38-830	NEW-E	82-10-032	275-55-100	REP	82-07-024
275-38-835	NEW-P	82-09-071	275-55-110	AMD	82-07-024
275-38-835	NEW-E	82-10-032	275-55-120	REP	82-07-024
275-38-840	NEW-P	82-09-071	275-55-121	NEW	82-07-024
275-38-840	NEW-E	82-10-032	275-55-130	REP	82-07-024
275-38-845	NEW-P	82-09-071	275-55-131	NEW	82-07-024
275-38-845	NEW-E	82-10-032	275-55-140	REP	82-07-024
275-38-850	NEW-P	82-09-071	275-55-141	NEW	82-07-024
275-38-850	NEW-E	82-10-032	275-55-150	REP	82-07-024
275-38-855	NEW-P	82-09-071	275-55-151	NEW	82-07-024
275-38-855	NEW-E	82-10-032	275-55-160	REP	82-07-024
275-38-855	NEW-E	82-14-069	275-55-161	NEW	82-07-024
275-38-860	NEW-P	82-09-071	275-55-170	REP	82-07-024
275-38-860	NEW-E	82-10-032	275-55-171	NEW	82-07-024
275-38-865	NEW-P	82-09-071	275-55-180	REP	82-07-024
275-38-865	NEW-E	82-10-032	275-55-181	NEW	82-07-024
275-38-870	NEW-P	82-09-071	275-55-190	REP	82-07-024
275-38-870	NEW-E	82-10-032	275-55-191	NEW	82-07-024
275-38-875	NEW-P	82-09-071	275-55-200	REP	82-07-024
275-38-875	NEW-E	82-10-032	275-55-201	NEW	82-07-024
275-38-880	NEW-P	82-09-071	275-55-210	REP	82-07-024
275-38-880	NEW-E	82-10-032	275-55-211	NEW	82-07-024
275-38-885	NEW-P	82-09-071	275-55-220	REP	82-07-024
275-38-885	NEW-E	82-10-032	275-55-230	REP	82-07-024
275-38-895	NEW-P	82-09-071	275-55-231	NEW	82-07-024
275-38-895	NEW-E	82-10-032	275-55-240	REP	82-07-024
275-38-900	NEW-P	82-09-071	275-55-241	NEW	82-07-024
275-38-900	NEW-E	82-10-032	275-55-250	REP	82-07-024
275-38-905	NEW-P	82-09-071	275-55-260	REP	82-07-024
275-38-905	NEW-E	82-10-032	275-55-261	NEW	82-07-024
275-38-910	NEW-P	82-09-071	275-55-263	NEW	82-07-024
275-38-910	NEW-E	82-10-032	275-55-270	REP	82-07-024
275-38-915	NEW-P	82-09-071	275-55-271	NEW	82-07-024
275-38-915	NEW-E	82-10-032	275-55-280	REP	82-07-024
275-38-920	NEW-P	82-09-071	275-55-281	NEW	82-07-024
275-38-920	NEW-E	82-10-032	275-55-282	REP	82-07-024
275-38-925	NEW-P	82-09-071	275-55-284	REP	82-07-024
275-38-925	NEW-E	82-10-032	275-55-286	REP	82-07-024
275-38-930	NEW-P	82-09-071	275-55-288	REP	82-07-024
275-38-930	NEW-E	82-10-032	275-55-290	REP	82-07-024
275-38-935	NEW-P	82-09-071	275-55-291	NEW	82-07-024
275-38-935	NEW-E	82-10-032	275-55-293	NEW	82-07-024
275-38-940	NEW-P	82-09-071	275-55-295	NEW	82-07-024
275-38-940	NEW-E	82-10-032	275-55-297	NEW	82-07-024
275-38-945	NEW-P	82-09-071	275-55-301	NEW	82-07-024
275-38-945	NEW-E	82-10-032	275-55-331	NEW	82-07-024
275-38-950	NEW-P	82-09-071	275-55-341	NEW	82-07-024
275-38-950	NEW-E	82-10-032	275-55-351	NEW	82-07-024
275-38-955	NEW-P	82-09-071	275-55-361	NEW	82-07-024
275-38-955	NEW-E	82-10-032	275-55-363	NEW	82-07-024
275-38-960	NEW-P	82-09-071	275-55-365	NEW	82-07-024
275-38-960	NEW-E	82-10-032	275-55-367	NEW	82-07-024
275-40-010	REP	82-04-023	275-55-371	NEW	82-07-024
275-40-020	REP	82-04-023	275-92-310	REP-P	82-04-059
275-40-030	REP	82-04-023	275-92-310	REP	82-08-055
275-40-040	REP	82-04-023	275-92-315	REP-P	82-04-059
275-40-050	REP	82-04-023	275-92-315	REP	82-08-055
275-40-060	REP	82-04-023	275-92-320	REP-P	82-04-059
275-40-070	REP	82-04-023	275-92-320	REP	82-08-055
275-52-010	REP	82-04-023	275-92-325	REP-P	82-04-059
275-52-015	REP	82-04-023	275-92-325	REP	82-08-055
275-52-020	REP	82-04-023	275-92-330	REP-P	82-04-059
275-55	AMD-C	82-05-024	275-92-330	REP	82-08-055
275-55-010	AMD	82-07-024	275-92-335	REP-P	82-04-059
275-55-020	AMD	82-07-024	275-92-335	REP	82-08-055
275-55-021	NEW	82-07-024	275-92-340	REP-P	82-04-059
275-55-030	AMD	82-07-024	275-92-340	REP	82-08-055
275-55-040	AMD	82-07-024	275-92-345	REP-P	82-04-059
275-55-041	REP	82-07-024	275-92-345	REP	82-08-055
275-55-050	AMD	82-07-024	275-92-350	REP-P	82-04-059
275-55-060	AMD	82-07-024	275-92-350	REP	82-08-055

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
284-17-100	REP	82-10-016	296-24-12005	AMD-P	82-08-004
284-17-110	REP-P	82-07-056	296-24-12005	AMD	82-13-045
284-17-110	REP	82-10-016	296-24-12009	AMD-P	82-02-065
284-17-120	NEW-P	82-07-056	296-24-12009	AMD	82-08-026
284-17-120	NEW	82-10-016	296-24-130	REP-P	82-02-065
284-17-210	AMD-P	82-07-056	296-24-130	REP	82-08-026
284-17-210	AMD	82-10-016	296-24-13001	REP-P	82-02-065
284-17-310	AMD-P	82-07-056	296-24-13001	REP	82-08-026
284-17-310	AMD	82-10-016	296-24-13003	REP-P	82-02-065
284-24-010	REP-P	82-02-059	296-24-13003	REP	82-08-026
284-24-010	REP	82-06-036	296-24-13005	REP-P	82-02-065
284-24-015	NEW-P	82-02-059	296-24-13005	REP	82-08-026
284-24-015	NEW	82-06-036	296-24-13007	REP-P	82-02-065
284-24-020	REP-P	82-02-059	296-24-13007	REP	82-08-026
284-24-020	REP	82-06-036	296-24-13009	REP-P	82-02-065
284-24-030	REP-P	82-02-059	296-24-13009	REP	82-08-026
284-24-030	REP	82-06-036	296-24-13011	REP-P	82-02-065
284-24-035	REP-P	82-02-059	296-24-13011	REP	82-08-026
284-24-035	REP	82-06-036	296-24-13013	REP-P	82-02-065
284-24-040	REP-P	82-02-059	296-24-13013	REP	82-08-026
284-24-040	REP	82-06-036	296-24-13501	AMD-P	82-08-004
284-24-050	REP-P	82-02-059	296-24-13501	AMD	82-13-045
284-24-050	REP	82-06-036	296-24-14007	AMD-P	82-08-004
284-24-060	NEW-P	82-02-059	296-24-14007	AMD	82-13-045
284-24-060	NEW	82-06-036	296-24-16503	AMD-P	82-08-004
284-24-070	NEW-P	82-02-059	296-24-16503	AMD	82-13-045
284-24-070	NEW	82-06-036	296-24-16539	AMD-P	82-08-004
284-24-080	NEW-P	82-02-059	296-24-16539	AMD	82-13-045
284-24-080	NEW	82-06-036	296-24-170	REP-P	82-08-004
284-44-180	REP-P	82-09-030	296-24-170	REP	82-13-045
284-44-180	REP	82-12-032	296-24-17001	REP-P	82-08-004
284-50-380	AMD-P	82-09-030	296-24-17001	REP	82-13-045
284-50-380	AMD	82-12-032	296-24-17003	REP-P	82-08-004
284-55-010	AMD-P	82-09-030	296-24-17003	REP	82-13-045
284-55-010	AMD	82-12-032	296-24-17005	REP-P	82-08-004
284-55-035	NEW-P	82-09-030	296-24-17005	REP	82-13-045
284-55-035	NEW	82-12-032	296-24-17007	REP-P	82-08-004
284-55-040	AMD-P	82-09-030	296-24-17007	REP	82-13-045
284-55-040	AMD	82-12-032	296-24-17009	REP-P	82-08-004
284-55-045	NEW-P	82-09-030	296-24-17009	REP	82-13-045
284-55-045	NEW	82-12-032	296-24-17011	REP-P	82-08-004
284-55-065	NEW-P	82-09-030	296-24-17011	REP	82-13-045
284-55-065	NEW	82-12-032	296-24-17013	REP-P	82-08-004
284-55-067	NEW-P	82-09-030	296-24-17013	REP	82-13-045
284-55-067	NEW	82-12-032	296-24-17015	REP-P	82-08-004
284-55-110	AMD-P	82-09-030	296-24-17015	REP	82-13-045
284-55-110	AMD	82-12-032	296-24-17017	REP-P	82-08-004
289-12-030	AMD-E	82-05-042	296-24-17017	REP	82-13-045
289-12-030	AMD-P	82-05-046	296-24-17019	REP-P	82-08-004
289-12-030	AMD	82-08-051	296-24-17019	REP	82-13-045
289-12-035	NEW-E	82-08-052	296-24-17021	REP-P	82-08-004
289-12-035	NEW-P	82-08-068	296-24-17021	REP	82-13-045
289-12-035	NEW	82-11-069	296-24-17023	REP-P	82-08-004
289-13-070	AMD-E	82-08-053	296-24-17023	REP	82-13-045
289-13-070	AMD-P	82-08-069	296-24-17025	REP-P	82-08-004
289-13-070	AMD	82-11-071	296-24-17025	REP	82-13-045
289-15-225	NEW-P	82-05-045	296-24-17027	REP-P	82-08-004
289-15-225	NEW-C	82-08-067	296-24-17027	REP	82-13-045
289-15-225	NEW	82-11-070	296-24-17029	REP-P	82-08-004
289-20-205	AMD	82-04-088	296-24-17029	REP	82-13-045
289-20-210	AMD	82-04-088	296-24-17031	REP-P	82-08-004
296-06-120	AMD-P	82-11-047	296-24-17031	REP	82-13-045
296-15-025	NEW-P	82-04-040	296-24-17033	REP-P	82-08-004
296-15-025	NEW	82-07-019	296-24-17033	REP	82-13-045
296-15-070	AMD-P	82-09-067	296-24-17035	REP-P	82-08-004
296-15-070	AMD	82-12-035	296-24-17035	REP	82-13-045
296-17-351	AMD-P	82-07-022	296-24-17037	REP-P	82-08-004
296-17-351	AMD	82-10-034	296-24-17037	REP	82-13-045
296-17-910	AMD	82-05-019	296-24-17039	REP-P	82-08-004
296-17-911	AMD	82-05-019	296-24-17039	REP	82-13-045
296-17-913	AMD	82-05-019	296-24-17041	REP-P	82-08-004
296-17-914	AMD	82-05-019	296-24-17041	REP	82-13-045
296-17-915	AMD	82-05-019	296-24-17043	REP-P	82-08-004
296-17-917	AMD	82-05-019	296-24-17043	REP	82-13-045
296-17-919	AMD	82-05-019	296-24-17045	REP-P	82-08-004
296-17-91901	AMD	82-05-019	296-24-17045	REP	82-13-045
296-17-91902	AMD	82-05-019	296-24-17047	REP-P	82-08-004

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-48-645	REP-P	82-05-006	296-48A-600	REP-P	82-05-006
296-48-645	REP	82-09-053	296-48A-600	REP	82-09-053
296-48-701	REP-P	82-05-006	296-48A-605	REP-P	82-05-006
296-48-701	REP	82-09-053	296-48A-605	REP	82-09-053
296-48-702	REP-P	82-05-006	296-48A-610	REP-P	82-05-006
296-48-702	REP	82-09-053	296-48A-610	REP	82-09-053
296-48-703	REP-P	82-05-006	296-48A-615	REP-P	82-05-006
296-48-703	REP	82-09-053	296-48A-615	REP	82-09-053
296-48-704	REP-P	82-05-006	296-48A-700	REP-P	82-05-006
296-48-704	REP	82-09-053	296-48A-700	REP	82-09-053
296-48-706	REP-P	82-05-006	296-48A-750	REP-P	82-05-006
296-48-706	REP	82-09-053	296-48A-750	REP	82-09-053
296-48-710	REP-P	82-05-006	296-48A-780	REP-P	82-05-006
296-48-710	REP	82-09-053	296-48A-780	REP	82-09-053
296-48-725	REP-P	82-05-006	296-48A-800	REP-P	82-05-006
296-48-725	REP	82-09-053	296-48A-800	REP	82-09-053
296-48-730	REP-P	82-05-006	296-48A-990	REP-P	82-05-006
296-48-730	REP	82-09-053	296-48A-990	REP	82-09-053
296-48-735	REP-P	82-05-006	296-48B	REP-C	82-02-052
296-48-735	REP	82-09-053	296-48B-001	REP	82-04-060
296-48-740	REP-P	82-05-006	296-48B-002	REP	82-04-060
296-48-740	REP	82-09-053	296-48B-005	REP	82-04-060
296-48-745	REP-P	82-05-006	296-48B-006	REP	82-04-060
296-48-745	REP	82-09-053	296-48B-009	REP	82-04-060
296-48-750	REP-P	82-05-006	296-48B-010	REP	82-04-060
296-48-750	REP	82-09-053	296-48B-015	REP	82-04-060
296-48-755	REP-P	82-05-006	296-48B-020	REP	82-04-060
296-48-755	REP	82-09-053	296-48B-025	REP	82-04-060
296-48-760	REP-P	82-05-006	296-48B-030	REP	82-04-060
296-48-760	REP	82-09-053	296-48B-032	REP	82-04-060
296-48-761	REP-P	82-05-006	296-48B-035	REP	82-04-060
296-48-761	REP	82-09-053	296-48B-040	REP	82-04-060
296-48-765	REP-P	82-05-006	296-48B-050	REP	82-04-060
296-48-765	REP	82-09-053	296-48B-055	REP	82-04-060
296-48-770	REP-P	82-05-006	296-48B-060	REP	82-04-060
296-48-770	REP	82-09-053	296-48B-065	REP	82-04-060
296-48-775	REP-P	82-05-006	296-48B-068	REP	82-04-060
296-48-775	REP	82-09-053	296-48B-070	REP	82-04-060
296-48-776	REP-P	82-05-006	296-48B-075	REP	82-04-060
296-48-776	REP	82-09-053	296-48B-080	REP	82-04-060
296-48-780	REP-P	82-05-006	296-48B-085	REP	82-04-060
296-48-780	REP	82-09-053	296-48B-090	REP	82-04-060
296-48-781	REP-P	82-05-006	296-48B-095	REP	82-04-060
296-48-781	REP	82-09-053	296-48B-100	REP	82-04-060
296-48-782	REP-P	82-05-006	296-48B-105	REP	82-04-060
296-48-782	REP	82-09-053	296-48B-115	REP	82-04-060
296-48-785	REP-P	82-05-006	296-48B-120	REP	82-04-060
296-48-785	REP	82-09-053	296-48B-125	REP	82-04-060
296-48-790	REP-P	82-05-006	296-48B-140	REP	82-04-060
296-48-790	REP	82-09-053	296-48B-142	REP	82-04-060
296-48-795	REP-P	82-05-006	296-48B-143	REP	82-04-060
296-48-795	REP	82-09-053	296-48B-145	REP	82-04-060
296-48-800	AMD-E	82-04-014	296-48B-150	REP	82-04-060
296-48-800	REP-P	82-05-006	296-48B-160	REP	82-04-060
296-48-800	AMD-E	82-09-031	296-48B-165	REP	82-04-060
296-48-800	REP	82-09-053	296-48B-175	REP	82-04-060
296-48-825	REP-P	82-05-006	296-48B-177	REP	82-04-060
296-48-825	REP	82-09-053	296-48B-178	REP	82-04-060
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296-48-890	REP-P	82-05-006	296-48B-185	REP	82-04-060
296-48-890	REP	82-09-053	296-48B-190	REP	82-04-060
296-48A	REP-C	82-02-052	296-48B-19001	REP	82-04-060
296-48A-001	REP-P	82-05-006	296-48B-19002	REP	82-04-060
296-48A-001	REP	82-09-053	296-48B-19003	REP	82-04-060
296-48A-200	REP-P	82-05-006	296-48B-19004	REP	82-04-060
296-48A-200	REP	82-09-053	296-48B-19005	REP	82-04-060
296-48A-400	REP-P	82-05-006	296-48B-193	REP	82-04-060
296-48A-400	REP	82-09-053	296-48B-196	REP	82-04-060
296-48A-405	REP-P	82-05-006	296-48B-200	REP	82-04-060
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296-48A-410	REP-P	82-05-006	296-48B-215	REP	82-04-060
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296-52-043	AMD-E	82-07-013	296-81-008	AMD	82-12-005
296-52-043	AMD	82-08-026	296-81-260	AMD-P	82-07-079
296-52-090	AMD-P	82-02-065	296-81-260	AMD	82-12-005
296-52-090	AMD-E	82-07-013	296-81-990	NEW-P	82-07-079
296-52-090	AMD	82-08-026	296-81-990	NEW	82-12-005
296-54-507	AMD-E	82-13-046	296-86-010	AMD-P	82-07-079
296-54-543	AMD-P	82-08-004	296-86-010	AMD	82-12-005
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296-62-07101	AMD	82-08-026	296-86-020	AMD	82-12-005
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296-62-07109	AMD	82-03-023	296-86-030	AMD	82-12-005
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296-62-07302	AMD	82-13-045	296-86-070	AMD	82-12-005
296-62-07314	AMD-E	82-12-019	296-86-075	AMD-P	82-07-079
296-62-07329	AMD-P	82-08-004	296-86-075	AMD	82-12-005
296-62-07329	AMD	82-13-045	296-86-080	AMD-P	82-07-079
296-62-07349	AM/DE-P	82-08-004	296-86-080	AMD	82-12-005
296-62-07349	AM/DE	82-13-045	296-104-200	AMD	82-05-003
296-62-07501	AMD	82-03-023	296-116-075	NEW-P	82-06-054
296-62-07515	AMD-P	82-08-004	296-116-075	NEW-C	82-09-060
296-62-07515	AMD	82-13-045	296-116-080	AMD-P	82-06-054
296-62-07521	RECOD-P	82-08-004	296-116-080	AMD-C	82-09-060
296-62-07521	RECOD	82-13-045	296-116-080	AMD-C	82-13-062
296-62-09003	AMD-P	82-08-004	296-116-085	AMD-P	82-10-049
296-62-09003	AMD	82-13-045	296-116-085	AMD	82-13-087
296-62-09011	AMD	82-03-023	296-116-185	AMD-P	82-02-068
296-62-09015	NEW	82-03-023	296-116-185	AMD-C	82-05-035
296-62-09017	NEW	82-03-023	296-116-185	AMD	82-08-016
296-62-09019	NEW	82-03-023	296-116-185	AMD-E	82-08-017
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296-62-09023	NEW	82-03-023	296-116-205	AMD	82-13-087
296-62-09025	NEW	82-03-023	296-116-300	AMD-P	82-08-062
296-62-09027	NEW	82-03-023	296-116-300	AMD-C	82-11-048
296-62-09029	NEW	82-03-023	296-116-300	AMD-C	82-12-020
296-62-09031	NEW	82-03-023	296-116-300	AMD-C	82-12-033
296-62-09031	AMD-P	82-08-004	296-116-300	AMD-E	82-13-064
296-62-09031	AMD	82-13-045	296-116-300	AMD	82-13-065
296-62-09033	NEW	82-03-023	296-116-320	AMD-P	82-10-049
296-62-09033	AMD-P	82-08-004	296-116-320	AMD	82-13-087
296-62-09033	AMD	82-13-045	296-127-010	NEW-P	82-14-027
296-62-09035	NEW	82-03-023	296-127-010	NEW-E	82-14-028
296-62-09037	NEW	82-03-023	296-127-011	NEW-P	82-14-027
296-62-09039	NEW	82-03-023	296-127-011	NEW-E	82-14-028
296-62-09041	NEW	82-03-023	296-127-017	NEW-P	82-14-027
296-62-09043	NEW	82-03-023	296-127-017	NEW-E	82-14-028
296-62-09045	NEW	82-03-023	296-127-020	NEW-P	82-14-027
296-62-09047	NEW	82-03-023	296-127-020	NEW-E	82-14-028
296-62-09049	NEW	82-03-023	296-127-021	NEW-P	82-14-027
296-62-09051	NEW	82-03-023	296-127-021	NEW-E	82-14-028
296-62-09051	AMD-P	82-08-004	296-127-030	NEW-P	82-14-027
296-62-09051	AMD	82-13-045	296-127-030	NEW-E	82-14-028
296-62-09053	NEW	82-03-023	296-127-040	NEW-P	82-14-027
296-62-14515	AMD-P	82-08-004	296-127-040	NEW-E	82-14-028
296-62-14515	AMD	82-13-045	296-127-045	NEW-P	82-14-027
296-62-14525	AMD	82-03-023	296-127-045	NEW-E	82-14-028
296-62-14533	AMD	82-03-023	296-127-060	NEW-P	82-14-027
296-78-71023	AMD-P	82-08-004	296-127-060	NEW-E	82-14-028
296-78-71023	AMD	82-13-045	296-127-061	NEW-P	82-14-027
296-79-020	AMD-P	82-08-004	296-127-061	NEW-E	82-14-028
296-79-020	AMD	82-13-045	296-127-062	NEW-P	82-14-027
296-79-050	AMD-P	82-08-004	296-127-062	NEW-E	82-14-028
296-79-050	AMD	82-13-045	296-150	NEW-C	82-02-052
296-81-002	REP-P	82-07-079	296-150-005	NEW-W	82-04-015
296-81-002	REP	82-12-005	296-150-010	NEW-W	82-04-015
296-81-003	REP-P	82-07-079	296-150-015	NEW-W	82-04-015
296-81-003	REP	82-12-005	296-150-020	NEW-W	82-04-015
296-81-005	AMD-P	82-07-079	296-150-025	NEW-W	82-04-015
296-81-005	AMD	82-12-005	296-150-030	NEW-W	82-04-015
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308-26-017	NEW	82-11-056	308-61-320	AMD-P	82-09-080
308-34-010	NEW-P	82-05-052	308-61-320	AMD	82-12-038
308-34-010	NEW	82-09-043	308-61-400	AMD-P	82-09-080
308-34-020	NEW-P	82-05-052	308-61-400	AMD	82-12-038
308-34-020	NEW	82-09-043	308-61-420	AMD-P	82-09-080
308-34-030	NEW-P	82-05-052	308-61-420	AMD	82-12-038
308-34-030	NEW	82-09-043	308-100-010	AMD	82-03-046
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308-34-050	NEW-P	82-05-052	308-100-050	AMD	82-03-046
308-34-050	NEW	82-09-043	308-100-060	AMD	82-03-046
308-34-060	NEW-P	82-05-052	308-100-070	REP	82-03-046
308-34-060	NEW	82-09-043	308-102-012	AMD	82-03-046
308-34-070	NEW-P	82-05-052	308-102-013	REP	82-03-046
308-34-070	NEW	82-09-043	308-102-210	AMD	82-03-046
308-34-080	NEW-P	82-05-052	308-102-260	AMD	82-03-046
308-34-080	NEW	82-09-043	308-102-290	AMD	82-03-046
308-36-020	REP-P	82-04-008	308-102-295	NEW-E	82-07-002
308-36-020	REP	82-07-094	308-102-295	NEW-P	82-08-076
308-36-030	REP-P	82-04-008	308-104-015	NEW	82-03-046
308-36-030	REP	82-07-094	308-104-020	REP	82-03-046
308-36-040	REP-P	82-04-008	308-104-025	NEW	82-03-046
308-36-040	REP	82-07-094	308-104-030	REP	82-03-046
308-36-050	REP-P	82-04-008	308-104-040	AMD	82-03-046
308-36-050	REP	82-07-094	308-104-050	AMD	82-03-046
308-36-060	REP-P	82-04-008	308-104-058	NEW	82-03-046
308-36-060	REP	82-07-094	308-104-100	AMD	82-03-046
308-36-065	REP-P	82-04-008	308-104-150	NEW	82-03-046
308-36-065	REP	82-07-094	308-104-160	NEW	82-03-046
308-36-070	REP-P	82-04-008	308-104-160	AMD-P	82-08-076
308-36-070	REP	82-07-094	308-104-170	NEW	82-03-046
308-36-080	REP-P	82-04-008	308-104-180	NEW	82-03-046
308-36-080	REP	82-07-094	308-115-010	REP-P	82-12-073
308-37-110	AMD-P	82-04-087	308-115-020	REP-P	82-12-073
308-37-110	AMD	82-07-043	308-115-030	REP-P	82-12-073
308-39-110	AMD-P	82-12-075	308-115-040	REP-P	82-12-073
308-39-120	AMD-P	82-12-075	308-115-050	NEW-P	82-12-073
308-40-020	AMD	82-04-024	308-115-060	NEW-P	82-12-073
308-40-101	AMD	82-04-024	308-115-070	NEW-P	82-12-073
308-40-102	AMD	82-04-024	308-115-080	NEW-P	82-12-073
308-40-103	NEW	82-04-024	308-115-090	NEW-P	82-12-073
308-40-104	NEW	82-04-024	308-115-100	NEW-P	82-12-073
308-40-105	AMD	82-04-024	308-115-110	NEW-P	82-12-073
308-40-110	AMD	82-04-024	308-115-120	NEW-P	82-12-073
308-52-135	AMD	82-03-022	308-115-130	NEW-P	82-12-073
308-52-140	AMD	82-03-022	308-115-140	NEW-P	82-12-073
308-52-201	AMD	82-03-022	308-115-150	NEW-P	82-12-073
308-53-080	AMD-P	82-08-048	308-115-160	NEW-P	82-12-073
308-53-080	AMD	82-12-077	308-115-170	NEW-P	82-12-073
308-53-085	NEW-P	82-08-048	308-115-180	NEW-P	82-12-073
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308-53-151	NEW	82-12-077	308-115-210	NEW-P	82-12-073
308-61-010	AMD-P	82-09-079	308-115-220	NEW-P	82-12-073
308-61-010	AMD	82-12-037	308-115-230	NEW-P	82-12-073
308-61-030	AMD-P	82-09-079	308-115-240	NEW-P	82-12-073
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308-61-100	AMD-P	82-09-079	308-122-220	AMD-P	82-09-078
308-61-100	AMD	82-12-037	308-124-005	AMD-P	82-13-035
308-61-110	AMD-P	82-09-079	308-124A-040	AMD-P	82-13-035
308-61-110	AMD	82-12-037	308-124B-010	AMD-P	82-13-035
308-61-120	AMD-P	82-09-079	308-124B-140	NEW-P	82-13-035
308-61-120	AMD	82-12-037	308-124C-020	AMD-P	82-13-035
308-61-130	AMD-P	82-09-079	308-124C-030	AMD-P	82-13-035
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308-61-200	AMD	82-12-038	308-124D-015	NEW-P	82-05-051
308-61-210	AMD-P	82-09-080	308-124D-100	AMD-P	82-13-035
308-61-210	AMD	82-12-038	308-124E-010	REP-P	82-13-035
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308-61-220	AMD	82-12-038	308-124F-030	AMD-P	82-13-035
308-61-240	AMD-P	82-09-080	308-124H-020	AMD-P	82-13-035
308-61-240	AMD	82-12-038	308-124H-030	AMD-P	82-13-035
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314-16-125	AMD-P	82-13-021	332-24-090	AMD-E	82-09-017
314-16-160	AMD-P	82-13-020	332-24-090	AMD-E	82-11-033
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314-16-195	NEW	82-13-069	332-26-040	NEW-E	82-14-060
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314-16-200	AMD	82-10-019	332-140-010	NEW-E	82-10-050
314-18-010	NEW-P	82-13-019	332-140-010	NEW-P	82-11-090
314-18-020	NEW-P	82-13-019	332-140-010	AMD-E	82-14-057
314-18-030	NEW-P	82-13-019	332-140-010	NEW	82-14-058
314-18-030	NEW-P	82-13-028	332-140-020	NEW-E	82-10-050
314-18-040	NEW-P	82-13-019	332-140-020	NEW-P	82-11-090
314-18-050	NEW-P	82-13-019	332-140-020	NEW	82-14-058
314-18-060	NEW-P	82-13-019	332-140-030	NEW-E	82-10-050
314-18-070	NEW-P	82-13-019	332-140-030	NEW-P	82-11-090
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314-20-025	NEW-P	82-14-086	332-140-040	AMD-E	82-14-057
314-20-070	AMD-P	82-13-020	332-140-040	NEW	82-14-058
314-20-100	AMD-P	82-10-068	332-140-050	NEW-E	82-10-050
314-20-100	AMD-C	82-13-104	332-140-050	NEW-P	82-11-090
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314-24-200	AMD-C	82-13-104	332-140-070	NEW-P	82-11-090
314-24-210	AMD-P	82-13-020	332-140-070	NEW	82-14-058
314-27-010	AMD-P	82-13-020	332-140-090	NEW-E	82-10-050
314-38-010	NEW-P	82-10-070	332-140-090	NEW-P	82-11-090
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314-40-010	AMD-P	82-10-069	332-140-100	NEW-E	82-10-050
314-40-010	AMD	82-13-069	332-140-100	NEW-P	82-11-090
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388-99-055	AMD	82-14-050	392-139-005	AMD-P	82-05-026
388-100-010	AMD-P	82-14-045	392-139-005	AMD	82-07-085
388-100-010	AMD-E	82-14-066	392-139-021	AMD-P	82-02-089
388-100-025	AMD-P	82-07-096	392-139-021	AMD-E	82-02-090
388-100-025	AMD	82-10-062	392-139-021	AMD	82-05-025
388-100-025	AMD-P	82-14-045	392-140	AMD-C	82-07-028
388-100-025	AMD-E	82-14-066	392-140-010	AMD-E	82-04-050
388-100-030	AMD-E	82-10-033	392-140-010	AMD-P	82-04-061
388-100-030	AMD-P	82-10-048	392-140-010	AMD	82-07-058
388-100-030	AMD	82-13-079	392-140-011	AMD-E	82-04-050
388-100-035	AMD	82-04-071	392-140-011	AMD-P	82-04-061
388-100-035	AMD-P	82-14-045	392-140-011	AMD	82-07-058
388-100-035	AMD-E	82-14-066	392-140-014	AMD-E	82-04-050
388-320-220	AMD-P	82-03-050	392-140-014	AMD-P	82-04-061
388-320-220	AMD-C	82-06-049	392-140-014	AMD	82-07-058
390-05-300	NEW-E	82-11-025	392-140-015	AMD-E	82-04-050
390-05-300	NEW-P	82-11-080	392-140-015	AMD-P	82-04-061
390-05-300	NEW-C	82-14-070	392-140-015	AMD	82-07-058
390-12-010	AMD	82-05-001	392-140-018	AMD-E	82-04-050
390-14-030	AMD	82-05-001	392-140-018	AMD-P	82-04-061
390-14-030	AMD-P	82-14-084	392-140-018	AMD	82-07-058
390-16-011	AMD-P	82-07-093	392-140-019	AMD-E	82-04-050
390-16-011	AMD	82-11-026	392-140-019	AMD-P	82-04-061
390-16-031	AMD-P	82-07-093	392-140-019	AMD	82-07-058
390-16-031	AMD	82-11-026	392-140-020	AMD-E	82-04-050
390-16-035	REP-P	82-11-024	392-140-020	AMD-P	82-04-061
390-16-035	REP	82-14-016	392-140-020	AMD	82-07-058
390-16-036	AMD-P	82-07-093	419-14-010	REP-E	82-09-047
390-16-036	AMD	82-11-026	419-14-010	REP-P	82-09-075
390-16-037	NEW	82-05-001	419-14-010	REP	82-13-015
390-16-041	AMD-P	82-07-093	419-14-020	NEW-E	82-09-047
390-16-041	AMD	82-11-026	419-14-020	NEW-P	82-09-075
390-16-050	AMD-P	82-07-093	419-14-020	NEW	82-13-015
390-16-050	AMD	82-11-026	419-14-030	NEW-E	82-09-047
390-16-055	AMD-P	82-11-024	419-14-030	NEW-P	82-09-075
390-16-055	AMD	82-14-016	419-14-030	NEW	82-13-015
390-16-060	AMD-P	82-07-093	419-14-040	NEW-E	82-09-047
390-16-060	AMD	82-11-026	419-14-040	NEW-P	82-09-075
390-16-062	REP-P	82-11-024	419-14-040	NEW	82-13-015
390-16-062	REP	82-14-016	419-14-050	NEW-E	82-09-047
390-16-115	AMD-P	82-11-024	419-14-050	NEW-P	82-09-075
390-16-115	AMD	82-14-016	419-14-050	NEW	82-13-015
390-16-150	AMD-P	82-11-024	419-14-060	NEW-E	82-09-047
390-16-150	AMD	82-14-016	419-14-060	NEW-P	82-09-075
390-16-155	AMD-P	82-11-024	419-14-060	NEW	82-13-015
390-16-155	AMD	82-14-016	419-14-070	NEW-E	82-09-047
390-16-206	AMD-P	82-11-024	419-14-070	NEW-P	82-09-075
390-16-206	AMD-C	82-14-014A	419-14-070	NEW	82-13-015
390-16-207	AMD-P	82-11-024	419-14-080	NEW-E	82-11-019
390-16-207	AMD	82-14-016	419-18-010	REP-E	82-09-048
390-16-230	AMD-P	82-11-024	419-18-010	REP-P	82-09-076
390-16-230	AMD	82-14-016	419-18-010	REP	82-13-016
390-16-300	REP-P	82-11-024	419-18-020	NEW-E	82-09-048
390-16-300	REP	82-14-016	419-18-020	NEW-P	82-09-076
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390-20-107	NEW	82-14-016	419-18-030	NEW	82-13-016
390-20-140	AMD-P	82-11-024	419-18-040	NEW-E	82-09-048
390-20-140	AMD	82-14-016	419-18-040	NEW-P	82-09-076
390-37-300	REP-P	82-11-024	419-18-040	NEW	82-13-016

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434-50-025	NEW-P	82-12-072	440-44-040	NEW-E	82-08-078
434-50-025	NEW-E	82-14-053	440-44-040	NEW-P	82-08-080
434-50-030	NEW-P	82-12-072	440-44-040	NEW	82-13-011
434-50-030	NEW-E	82-14-053	440-44-045	NEW-E	82-08-078
434-50-035	NEW-P	82-12-072	440-44-045	NEW-P	82-08-080
434-50-035	NEW-E	82-14-053	440-44-045	NEW	82-13-011
434-50-040	NEW-P	82-12-072	440-44-050	NEW-E	82-08-078
434-50-040	NEW-E	82-14-053	440-44-050	NEW-P	82-08-080
434-50-045	NEW-P	82-12-072	440-44-050	NEW	82-13-011
434-50-045	NEW-E	82-14-053	440-44-055	NEW-E	82-08-078
434-50-050	NEW-P	82-12-072	440-44-055	NEW-P	82-08-080
434-50-050	NEW-E	82-14-053	440-44-055	NEW	82-13-011
434-50-055	NEW-P	82-12-072	440-44-055	REP-P	82-13-039
434-50-055	NEW-E	82-14-053	440-44-057	NEW-P	82-13-039
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434-91-020	NEW-P	82-09-061	440-44-070	NEW-P	82-08-080
434-91-020	NEW	82-12-022	440-44-075	NEW-E	82-08-078
434-91-030	NEW-P	82-09-061	440-44-075	NEW-P	82-08-080
434-91-030	NEW	82-12-022	440-44-080	NEW-E	82-08-078
434-91-040	NEW-P	82-09-061	440-44-080	NEW-P	82-08-080
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434-91-050	NEW-P	82-09-061	440-44-085	NEW-C	82-12-029
434-91-050	NEW	82-12-022	440-44-085	NEW	82-13-010
434-91-060	NEW-P	82-09-061	446-50-080	AMD-E	82-04-037
434-91-060	NEW	82-12-022	446-50-080	AMD-P	82-04-038
434-91-070	NEW-P	82-09-061	446-50-080	AMD	82-07-100
434-91-070	NEW	82-12-022	458-19-550	AMD	82-06-006
434-91-080	NEW-P	82-09-061	458-20-103	AMD-E	82-06-037
434-91-080	NEW	82-12-022	458-20-103	AMD-P	82-09-073
434-91-090	NEW-P	82-09-061	458-20-103	AMD	82-12-021
434-91-090	NEW	82-12-022	458-20-119	AMD-E	82-10-029
434-91-100	NEW-P	82-09-061	458-20-119	AMD-P	82-13-091
434-91-100	NEW	82-12-022	458-20-237	AMD-P	82-03-049
434-91-110	NEW-P	82-09-061	458-20-237	AMD	82-06-020
434-91-110	NEW	82-12-022	458-20-237	AMD-E	82-10-030
434-91-120	NEW-P	82-09-061	458-20-237	AMD-P	82-13-090
434-91-120	NEW	82-12-022	458-20-244	AMD-E	82-10-028
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434-91-150	NEW-P	82-09-061	458-40-18670	NEW-P	82-10-055
434-91-150	NEW	82-12-022	458-40-18670	NEW	82-14-037
434-91-160	NEW-P	82-09-061	458-40-18670	NEW-E	82-14-038
434-91-160	NEW	82-12-022	458-40-18671	NEW-P	82-10-055
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440-44-001	NEW-P	82-08-080	458-40-18672	NEW	82-14-037
440-44-001	NEW	82-13-011	458-40-18672	NEW-E	82-14-038
440-44-002	NEW-E	82-08-078	458-40-18673	NEW-P	82-10-055
440-44-002	NEW-P	82-08-080	458-40-18673	NEW	82-14-037
440-44-002	NEW	82-13-011	458-40-18673	NEW-E	82-14-038
440-44-010	NEW-E	82-08-078	458-40-18674	NEW-P	82-10-055
440-44-010	NEW-P	82-08-080	458-40-18674	NEW	82-14-037
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440-44-015	NEW-P	82-08-080	458-40-18675	NEW	82-14-037
440-44-015	NEW	82-13-011	458-40-18675	NEW-E	82-14-038
440-44-020	NEW-E	82-08-078	458-40-18676	NEW-P	82-10-055
440-44-020	NEW-P	82-08-080	458-40-18676	NEW	82-14-037
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440-44-023	NEW-P	82-08-080	458-40-18677	NEW-P	82-10-055
440-44-023	NEW	82-13-011	458-40-18677	NEW	82-14-037
440-44-025	NEW-E	82-08-078	458-40-18678	NEW-P	82-10-055
440-44-025	NEW-P	82-08-080	458-40-18678	NEW	82-14-037
440-44-025	NEW	82-13-011	458-40-18678	NEW-E	82-14-038
440-44-026	NEW-P	82-13-078	458-40-19000	AMD-P	82-10-055
440-44-030	NEW-E	82-08-078	458-40-19000	AMD	82-14-037
440-44-030	NEW-P	82-08-080	458-40-19000	AMD-E	82-14-038
440-44-030	NEW	82-13-011	458-40-19001	AMD-P	82-10-055

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458-61-570	NEW-P	82-09-074	468-38-020	AMD-P	82-14-092
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458-61-610	NEW-P	82-09-074	468-38-060	AMD-P	82-14-092
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458-61-630	NEW-P	82-09-074	468-38-080	AMD-P	82-14-092
458-61-640	NEW-P	82-09-074	468-38-090	AMD-P	82-14-092
458-61-650	NEW-P	82-09-074	468-38-100	AMD-P	82-14-092
458-61-660	NEW-P	82-09-074	468-38-110	AMD-P	82-14-092
458-61-670	NEW-P	82-09-074	468-38-120	AMD-P	82-14-092
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460-42A-080	AMD-P	82-14-022	468-38-150	AMD-P	82-14-092
460-42A-081	NEW-P	82-14-022	468-38-160	AMD-P	82-14-092
460-44A-010	REP-P	82-12-025	468-38-170	AMD-P	82-14-092
460-44A-010	REP-E	82-12-026	468-38-180	AMD-P	82-14-092
460-44A-010	RES-E	82-13-097	468-38-190	AMD-P	82-14-092
460-44A-020	REP-P	82-12-025	468-38-200	AMD-P	82-14-092
460-44A-020	REP-E	82-12-026	468-38-210	AMD-P	82-14-092
460-44A-020	RES-E	82-13-097	468-38-220	AMD-P	82-14-092
460-44A-030	REP-P	82-12-025	468-38-230	AMD-P	82-14-092
460-44A-030	REP-E	82-12-026	468-38-235	NEW-P	82-14-092
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460-44A-041	REP-E	82-12-026	468-38-260	AMD-P	82-14-092
460-44A-041	RES-E	82-13-097	468-38-270	AMD-P	82-14-092
460-44A-045	REP-P	82-12-025	468-38-280	AMD-P	82-14-092
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460-44A-500	AMD-E	82-13-097	468-38-330	AMD-P	82-14-092
460-44A-501	NEW-P	82-12-025	468-38-340	AMD-P	82-14-092
460-44A-501	NEW-E	82-12-026	468-38-350	AMD-P	82-14-092
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460-46A-040	NEW-P	82-12-070	468-38-460	REP-P	82-14-092
460-46A-050	NEW-P	82-12-070	468-62-010	REP-P	82-09-057
460-46A-060	NEW-P	82-12-070	468-62-010	REP	82-13-014
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460-46A-080	NEW-P	82-12-070	468-62-020	REP	82-13-014
460-46A-085	NEW-P	82-12-070	468-62-030	REP-P	82-09-057
460-46A-090	NEW-P	82-12-070	468-62-030	REP	82-13-014
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460-46A-100	NEW-P	82-12-070	468-62-040	REP	82-13-014
460-46A-105	NEW-P	82-12-070	468-62-050	REP-P	82-09-057
460-46A-110	NEW-P	82-12-070	468-62-050	REP	82-13-014
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460-46A-155	NEW-P	82-12-070	468-300-010	AMD	82-07-063
460-46A-160	NEW-P	82-12-070	468-300-020	AMD-P	82-04-045
460-46A-165	NEW-P	82-12-070	468-300-020	AMD	82-07-063
463-30-020	AMD-E	82-04-036	468-300-030	AMD-P	82-04-045
463-30-020	AMD-P	82-04-056	468-300-030	AMD	82-07-063
463-30-020	AMD	82-10-027	468-300-030	AMD-P	82-14-021
463-30-030	AMD-E	82-04-036	468-300-040	AMD-P	82-04-045
463-30-030	AMD-P	82-04-056	468-300-040	AMD	82-07-063
463-30-030	AMD	82-10-027	468-300-040	AMD-P	82-14-021
463-30-040	AMD-E	82-04-036	468-300-050	REP-P	82-04-045
463-30-040	AMD-P	82-04-056	468-300-050	REP	82-07-063
463-30-040	REP	82-10-027	468-300-070	NEW-P	82-14-021
463-30-320	AMD-E	82-04-036	468-300-410	NEW-P	82-14-020
463-30-320	AMD-P	82-04-056	478-116-600	AMD-P	82-10-056
463-30-320	AMD	82-10-027	478-116-600	AMD	82-13-100
463-39-115	AMD-P	82-11-067	478-136-010	AMD-P	82-09-039
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516-20-160	REP-P	82-05-038
516-20-160	REP	82-11-063
516-20-165	REP-P	82-05-038
516-20-165	REP	82-11-063
516-20-170	REP-P	82-05-038
516-20-170	REP	82-11-063
516-20-172	REP-P	82-05-038
516-20-172	REP	82-11-063
516-20-175	REP-P	82-05-038
516-20-175	REP	82-11-063
516-20-180	REP-P	82-05-038
516-20-180	REP	82-11-063
516-20-181	REP-P	82-05-038
516-20-181	REP	82-11-063
516-20-182	REP-P	82-05-038
516-20-182	REP	82-11-063
516-20-185	REP-P	82-05-038
516-20-185	REP	82-11-063
516-20-190	REP-P	82-05-038
516-20-190	REP	82-11-063
516-20-195	REP-P	82-05-038
516-20-195	REP	82-11-063
516-20-200	REP-P	82-05-038
516-20-200	REP	82-11-063
516-20-210	REP-P	82-05-038
516-20-210	REP	82-11-063
516-20-215	REP-P	82-05-038
516-20-215	REP	82-11-063
516-22-005	NEW-P	82-05-038
516-22-005	NEW	82-11-063
516-22-010	NEW-P	82-05-038
516-22-010	NEW	82-11-063
516-22-015	NEW-P	82-05-038
516-22-015	NEW	82-11-063
516-22-020	NEW-P	82-05-038
516-22-020	NEW	82-11-063
516-22-025	NEW-P	82-05-038
516-22-025	NEW	82-11-063
516-22-030	NEW-P	82-05-038
516-22-030	NEW	82-11-063
516-22-100	NEW-P	82-05-038
516-22-100	NEW	82-11-063
516-22-120	NEW-P	82-05-038
516-22-120	NEW	82-11-063
516-22-124	NEW-P	82-05-038
516-22-124	NEW	82-11-063
516-22-130	NEW-P	82-05-038
516-22-130	NEW	82-11-063
516-22-134	NEW-P	82-05-038
516-22-134	NEW	82-11-063
516-22-138	NEW-P	82-05-038
516-22-138	NEW	82-11-063
516-22-142	NEW-P	82-05-038
516-22-142	NEW	82-11-063
516-22-146	NEW-P	82-05-038
516-22-146	NEW	82-11-063
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